CHAPTER 445B

AIR CONTROLS

AIR POLLUTION

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Note: The text of this Administrative code has been provided was received from the Legislative Counsel Bureau's Legal Division. See the footer for the current date of codification for these regulations. This regulatory text does not contain the complete chapter of 445B, air pollution controls, on the portions so indicated. To access the official version, go their website at www.leg.state.nv.us, and access the code through the "Law Library".

AIR POLLUTION

Definitions

NAC 445B.001 Definitions. (NRS 445B.210) As used in NAC 445B.001 to 445B.3497, inclusive, unless the context otherwise requires, the words and terms defined in NAC 445B.002 to 445B.211, inclusive, have the meanings ascribed to them in those sections.

(Supplied in codification; A by Environmental Comm'n, 12-5-84; 10-15-85; 8-22-86; 9-25-87; 10-22-87; 12-15-88; 12-8-89; 9-13-91; 12-26-91; 9-4-92; 10-29-93; 12-13-93; 3-29-94, eff. 11-15-94; R105-97, 3-5-98; R117-00, 6-1-2001; R040-01, 10-25-2001; R103-02, 12-17-2002)

NAC 445B.002 "Act" defined. "Act" means the Clean Air Act, 42 U.S.C. §§ 7401 et seq., as amended.

[Environmental Comm'n, Air Quality Reg. § 1.2, eff. 12-4-76; A 8-28-79]—(Substituted in revision for NAC 445.432)

NAC 445B.003 "Adjacent properties" defined. "Adjacent properties" means parcels of land that lie near each other or in close proximity.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.4325)

NAC 445B.004 "Administrator" defined. "Administrator" means the Administrator of the United States Environmental Protection Agency or the Administrator's representative or delegate.

[Environmental Comm'n, Air Quality Reg. § 1.2.5, eff. 10-16-80]—(NAC A 10-14-82)—(Substituted in revision for NAC 445.433)

NAC 445B.005 "Affected facility" defined. "Affected facility" means, with reference to a stationary or temporary source, any apparatus to which a standard is applicable.

[Environmental Comm'n, Air Quality Reg. § 1.3, eff. 12-4-76; A 8-28-79]—(NAC A 10-22-87; 10-30-95)

NAC 445B.006 "Affected source" defined. (NRS 445B.210) "Affected source" means a stationary source subject to the requirements relating to acid rain set forth in 42 U.S.C. §§ 7651 to 7651o, inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95; R040-01, 10-25-2001)

NAC 445B.007 "Affected state" defined. "Affected state" means a state that is within 50 miles of a Class I source located in this state, or a state that is contiguous to this state whose air quality may be affected by emissions from a Class I source located in this state.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.4346)

NAC 445B.009 "Air-conditioning equipment" defined. "Air-conditioning equipment" means equipment utilized to heat or cool the interior of a building or structure.

[Environmental Comm'n, Air Quality Reg. § 1.1, eff. 11-7-75; renumbered as § 1.4, 12-4-76; A 8-28-79]—(Substituted in revision for NAC 445.435)

NAC 445B.010 "Air contaminant" defined. "Air contaminant" has the meaning ascribed to it in NRS 445B.110.

[Environmental Comm'n, Air Quality Reg. § 1.2, eff. 11-7-75; renumbered as § 1.5, 12-4-76; A 8-28-79]—(NAC A 10-30-95)

NAC 445B.011 "Air pollution" defined. (NRS 445B.210) "Air pollution" has the meaning ascribed to it in NRS 445B.115.

[Environmental Comm'n, Air Quality Reg. §§ 1.3-1.3.3, eff. 11-7-75; renumbered as § 1.6, 12-4-76; A 8-28-79]—(NAC A by R105-97, 3-5-98)

NAC 445B.013 "Allowable emissions" defined. "Allowable emissions" means the emissions from a stationary source at its designed maximum capacity or at its actual maximum capacity, whichever is greater, except as reduced by any federally enforceable limitations on its emissions which are established:

1. By Nevada laws or regulations;
2. By any applicable requirement; or
3. By conditions of the stationary source's operating permit, imposed on the emission rate, the type or amount of materials combusted or processed, the operating rates, the hours of operation, or any other factor limiting production or emission, whichever is most stringent. For Class II sources that are not subject to federal requirements, emission limitations need not be federally enforceable.

[Environmental Comm'n, Air Quality Reg. § 1.6.5, eff. 10-16-80]—(NAC A 10-22-87; 12-13-93; 10-30-95)

NAC 445B.014 "Alteration" defined. "Alteration" means any addition to, or enlargement, replacement, modification or change of the design, capacity, process, arrangement, operating hours or control apparatus that will affect the kind or amount of regulated air pollutants emitted.

(Added to NAC by Environmental Comm'n, eff. 12-8-89; A 10-30-95)

NAC 445B.015 "Alternative method" defined. "Alternative method" means any method of sampling and analyzing for a regulated air pollutant which is not a reference or equivalent method, but which has been demonstrated to the satisfaction of the director that, in specific cases, it produces results adequate to determine compliance.

[Environmental Comm'n, Air Quality Reg. § 1.7, eff. 12-4-76; A 8-28-79]—(NAC A 10-30-95)

NAC 445B.016 "Alternative operating scenarios" defined. "Alternative operating scenarios" means two or more modes or types of operation specifically identified by a stationary source in its application and approved by the director as a condition or as conditions of the source's operating permit.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95)

NAC 445B.018 "Ambient air" defined. "Ambient air" means that portion of the atmosphere which is external to buildings, structures, facilities or installations to which the public has access.

[Environmental Comm'n, Air Quality Reg. § 1.4, eff. 11-7-75; renumbered as § 1.9, 12-4-76; A 8-28-79]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.441)

NAC 445B.019 "Applicable requirement" defined. (NRS 445B.210) "Applicable requirement" means, as applied to a stationary source:

1. Any standard or other relevant requirement:

(a) Provided in NRS 445B.100 to 445B.640, inclusive, and NAC 445B.001 to 445B.3497, inclusive, except for the standards for ambient air established in NAC 445B.22097;

(b) Provided in the applicable implementation plan approved or adopted by the EPA pursuant to 42 U.S.C. §§ 7401 to 7515, inclusive;

(c) For a hazardous air pollutant adopted pursuant to 42 U.S.C. § 7412, including any requirement regarding the prevention of accidental releases;

(d) For a program to control acid rain adopted pursuant to 42 U.S.C. §§ 7651 to 7651o, inclusive;

(e) For enhanced monitoring or for compliance certification adopted pursuant to 42 U.S.C. § 7413(a)(3) or 7661c(b);

(f) For solid waste incineration units adopted pursuant to 42 U.S.C. § 7429;

(g) For consumer and commercial products or tank vessels adopted pursuant to 42 U.S.C. § 7511b; and

(h) For the protection of stratospheric ozone adopted pursuant to 42 U.S.C. §§ 7671 to 7671q, inclusive, unless the Administrator determines that such provisions are not required in an operating permit;

2. A new source performance standard adopted pursuant to 42 U.S.C. § 7411;

3. Any term or condition of any permit issued pursuant to the requirements of 42 U.S.C. §§ 7401 to 7515, inclusive, including provisions regarding the prevention of significant deterioration of air quality and new source review; and

4. Any national ambient air quality standard or requirement regarding increments or visibility adopted pursuant to 42 U.S.C. §§ 7470 to 7492, inclusive, as the standard applies to a temporary source for which the owner or operator has applied for and obtained an operating permit pursuant to NAC 445B.287 to 445B.3497, inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R105-97, 3-5-98)

NAC 445B.021 "Area source" defined. "Area source" means any stationary source of hazardous air pollutants that is not a major source.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.4425)

NAC 445B.022 "Atmosphere" defined. "Atmosphere" means all the air surrounding the earth and external to buildings and structures.

[Environmental Comm'n, Air Quality Reg. § 1.7, eff. 11-7-75; renumbered as § 1.14, 12-4-76; A and renumbered as § 1.13, 8-28-79]—(Substituted in revision for NAC 445.444)

NAC 445B.028 "Best available control technology" defined. For a stationary source that is subject to the provisions of 40 C.F.R. § 52.21, "best available control technology" has the meaning ascribed to it in 40 C.F.R. § 52.21, as incorporated by reference in NAC 445B.221.

[Environmental Comm'n, Air Quality Reg. Art. 1 part § 1, eff. 8-28-79]—(NAC A 10-22-87; 9-19-90; 3-29-94, eff. 11-15-94; 10-30-95; 5-3-96)

NAC 445B.030 "British thermal units" defined. "British thermal units (Btu)" means that quantity of heat required to raise the temperature of one pound of water from 60 degrees Fahrenheit to 61 degrees Fahrenheit at a constant, absolute pressure of 14.7 pounds per square inch (29.92 inches of mercury).

[Environmental Comm'n, Air Quality Reg. § 1.9, eff. 11-7-75; A and renumbered as § 1.21, 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.457)

NAC 445B.032 "Calcine" defined. "Calcine" means the solid materials produced by a roaster.

[Environmental Comm'n Air Quality Reg. § 1.22, eff. 12-4-76]—(Substituted in revision for NAC 445.458)

NAC 445B.034 "Class I-A application" defined. "Class I-A application" means an application for a Class I operating permit that is required for any existing source which is subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96)—(Substituted in revision for NAC 445.4615)

NAC 445B.035 "Class I-B application" defined. "Class I-B application" means an application for a Class I operating permit that is required for any new stationary source or significant modification to an existing stationary source which is subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96)

NAC 445B.036 "Class I source" defined. "Class I source" means any stationary source which is subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96)

NAC 445B.037 "Class II source" defined. (NRS 445B.210) "Class II source" means any stationary source which is not subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive, but which is otherwise subject to the requirements of NAC 445B.001 to 445B.3497, inclusive. The term does not include a stationary source that is operating under a Class III operating permit issued pursuant to NAC 445B.001 to 445B.3497, inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R040-01, 10-25-2001)

NAC 445B.038 "Class III source" defined. (NRS 445B.210) "Class III source" means a stationary source which is subject to the requirements set forth in NAC 445B.001 to 445B.3497, inclusive, and:

1. Which emits or has the potential to emit, individually or in combination, a total of not more than 5 tons per year of PM_{10}, NO_x, SO_2, VOC and H_2S;
2. Which emits less than 1,000 pounds of lead per year;
3. Which is not subject to the requirements of 42 U.S.C. §§ 7661 to 7661f, inclusive;
4. Which is not subject to the requirements of 40 C.F.R. Part 60;
5. Which is not subject to the requirements of 40 C.F.R. Part 61;
6. Which is not a temporary source;
7. Which is not located at or a part of another stationary source; and
8. Whose owner or operator:

(a) Is not seeking a limitation on emissions to avoid the requirements of 40 C.F.R. Part 63; or

(b) Is not required to obtain an operating permit to operate the stationary source solely to comply with NAC 445B.22037 relating to surface area disturbances.

(Added to NAC by Environmental Comm'n by R040-01, eff. 10-25-2001)

NAC 445B.042 "Combustible refuse" defined. "Combustible refuse" means any waste material which can be consumed by combustion.

[Environmental Comm'n, Air Quality Reg. § 1.11, eff. 11-7-75; renumbered as § 1.35, 12-4-76]—(Substituted in revision for NAC 445.472)

NAC 445B.0425 "Commission" defined. (NRS 445B.210) "Commission" has the meaning ascribed to it in NRS 445B.120.

(Added to NAC by Environmental Comm'n, eff. 10-30-95; A by R105-97, 3-5-98)

NAC 445B.043 "Confidential information" defined. "Confidential information" has the meaning ascribed to it in subsection 6 of NRS 445B.570.

[Environmental Comm'n, Air Quality Reg. §§ 1.15-1.15.3, eff. 11-7-75; A and renumbered as § 1.41, 12-4-76]—(NAC A 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.477)

NAC 445B.044 "Construction" defined. (NRS 445B.210) "Construction" means erection or installation of an emission unit.

[Environmental Comm'n, Air Quality Reg. § 1.42, eff. 12-4-76]—(NAC A by R105-97, 3-5-98)

NAC 445B.046 "Contiguous property" defined. "Contiguous property" means any property under single or joint ownership or operatorship which is in physical contact, touching, near or adjoining. Public property or a public right-of-way shall not be deemed as a break in any otherwise contiguous property.

[Environmental Comm'n, Air Quality Reg. § 1.16, eff. 11-7-75; renumbered as § 1.43, 12-4-76]—(Substituted in revision for NAC 445.479)

NAC 445B.047 "Continuous monitoring system" defined. "Continuous monitoring system" means the equipment required for monitoring emissions which is used to sample and, if applicable, condition, to analyze, and to provide a permanent record of emissions or process parameters.

[Environmental Comm'n, Air Quality Reg. § 1.44, eff. 12-4-76; A 12-15-77]—(Substituted in revision for NAC 445.480)

NAC 445B.049 "Criteria pollutant" defined. "Criteria pollutant" means a regulated air pollutant for which the Administrator has established a national ambient air quality standard.

(Added to NAC by Environmental Comm'n, eff. 12-13-93; A 10-30-95)

NAC 445B.051 "Day" defined. "Day" means a 24-hour period which begins at midnight.

[Environmental Comm'n, Air Quality Reg. § 1.51, eff. 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.486)

NAC 445B.053 "Director" defined. "Director" means the director of the state department of conservation and natural resources or his designee or a person designated by or pursuant to a county or city ordinance or regional agreement or regulation to enforce local air pollution control ordinances and regulations.

[Environmental Comm'n, Air Quality Reg. § 1.19, eff. 11-7-75; renumbered as § 1.53, 12-4-76; A 12-15-77]—(Substituted in revision for NAC 445.488)

NAC 445B.055 "Effective date of the program" defined. "Effective date of the program" means the date on which the Administrator approves the program.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.4915)

NAC 445B.056 "Emergency" defined. "Emergency" means any situation arising from a sudden and reasonably unforeseeable event beyond the control of the owner or operator, including an act of God, that requires immediate corrective action to restore normal operation, and that causes the source to exceed an emission limitation contained in the operating permit which is based on a specific type of technology. The term does not include the failure to comply with emission limitations because of the improper design of the source, the lack of preventative maintenance, the careless or improper operation of the source, or any error by the operator.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.4955)

NAC 445B.058 "Emission" defined. (NRS 445B.210)

1. "Emission" means the act of passing into the atmosphere a regulated air pollutant or a gas stream which contains, or may contain, a regulated air pollutant.
2. The term includes the material passed to the atmosphere.

[Environmental Comm'n, Air Quality Reg. § 1.22, eff. 11-7-75; renumbered as § 1.65, 12-4-76]—(NAC A by R105-97, 3-5-98)

NAC 445B.059 "Emission unit" defined. "Emission unit" means a part of a stationary source which emits or has the potential to emit any regulated air pollutant.

[Environmental Comm'n, Air Quality Reg. § 1.57.5, eff. 10-16-80]—(NAC A 10-22-87; 3-29-94, eff. 11-15-94; 10-30-95)

NAC 445B.060 "Enforceable" defined. "Enforceable" means enforceable under federal, state or local law.

(Added to NAC by Environmental Comm'n, eff. 10-14-82)—(Substituted in revision for NAC 445.5005)

NAC 445B.061 "EPA" defined. "EPA" means the United States Environmental Protection Agency.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5008)

NAC 445B.062 "Equivalent method" defined. "Equivalent method" means any method of sampling and analyzing for a regulated air pollutant which has been demonstrated to the director's satisfaction to have a consistent and quantitatively known relationship to the reference method under specified conditions.

[Environmental Comm'n, Air Quality Reg. § 1.67, eff. 12-4-76]—(NAC A 10-30-95)

NAC 445B.063 "Excess emissions" defined. "Excess emissions" means any emission which exceeds any applicable emission limitation prescribed by NAC 445B.001 to 445B.3497, inclusive, or that is contained in an operating permit. The averaging time and test procedures for determining excess emissions must be as specified in the relevant condition or conditions of the operating permit.

[Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff. 8-29-79]—(NAC A 10-22-87; 12-13-93)—(Substituted in revision for NAC 445.504)

NAC 445B.065 "Existing facility" defined. "Existing facility" with reference to a stationary source means any apparatus of the type for which a standard is adopted in NAC 445B.001 to 445B.601, inclusive, the construction or modification of which was commenced before the date on which the standard was proposed or any apparatus which could be altered in such a way as to be of that type.

[Environmental Comm'n, Air Quality Reg. § 1.72, eff. 12-4-76]—(NAC A 10-22-87; 10-30-95)

NAC 445B.066 "Existing stationary source" defined. "Existing stationary source" means:

1. For stationary sources subject to 42 U.S.C. § 7412, any stationary source other than a new stationary source.
2. For all other stationary sources, a stationary source which was constructed, or for which the owner or operator submitted a complete application for an operating permit, before the effective date of the program.

[Environmental Comm'n, Air Quality Reg. § 1.26, eff. 11-7-75; renumbered as § 1.73, 12-4-76]—(NAC A 12-13-93; 10-30-95)

NAC 445B.068 "Facility" defined. "Facility" includes any groups of activities which emit regulated air pollutants, are located on one or more contiguous properties, and are owned, operated or controlled by the same person.

[Environmental Comm'n, Air Quality Reg. § 1.64, eff. 5-7-80]—(NAC A 10-30-95)

NAC 445B.069 "Federally enforceable" defined. "Federally enforceable" means enforceable by the Administrator pursuant to any provision of 42 U.S.C. §§ 7401 to 7671q, inclusive, 40 C.F.R. §§ 52.21 and 51.160 to 51.166, inclusive, or 40 C.F.R. Part 70, or by other persons pursuant to 42 U.S.C. § 7604.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.5095)

NAC 445B.070 "Federally enforceable emissions cap" defined. "Federally enforceable emissions cap" means a condition of an operating permit containing an emission limitation that the holder of the operating permit requested and the director approved and which is independent of any applicable requirement or requirements.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.5105)

NAC 445B.072 "Fuel" defined. "Fuel" means any form of combustible matter, solid, liquid, vapor or gas which is used to generate energy.

[Environmental Comm'n, Air Quality Reg. § 1.28, eff. 11-7-75; renumbered as § 1.82, 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.516)

NAC 445B.073 "Fuel-burning equipment" defined. "Fuel-burning equipment" means:

1. Indirect heat transfer fuel-burning equipment which is any device used for the combustion of fuel in which heat is transferred from the products of combustion indirectly for the production of useful heat or power.
2. Direct heat transfer fuel-burning equipment which is any device used for the combustion of fuel in which heat is transferred from the products of combustion directly for the production of useful heat or power.

[Environmental Comm'n, Air Quality Reg. §§ 1.29-1.29.2, eff. 11-7-75; renumbered as § 1.85, 12-4-76]—(NAC A 9-19-90)—(Substituted in revision for NAC 445.517)

NAC 445B.075 "Fugitive dust" defined. "Fugitive dust" means emissions of solid, airborne particulate matter which could not reasonably pass through a stack, chimney, vent or a functionally equivalent opening.

[Environmental Comm'n, Air Quality Reg. § 1.30, eff. 11-7-75; renumbered as § 1.86, 12-4-76; A and renumbered as § 1.75, 10-16-80]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.520)

NAC 445B.077 "Fugitive emissions" defined. "Fugitive emissions" means emissions of any regulated air pollutants, including fugitive dust, which could not reasonably pass through a stack, chimney, vent or a functionally equivalent opening.

[Environmental Comm'n, Air Quality Reg. § 1.75.5, eff. 10-16-80]—(NAC A 3-29-94, eff. 11-15-94; 10-30-95)

NAC 445B.080 "Garbage" defined. "Garbage" means putrescible animal or vegetable refuse.

[Environmental Comm'n, Air Quality Reg. § 1.31, eff. 11-7-75; renumbered as § 1.89, 12-4-76]—(Substituted in revision for NAC 445.525)

NAC 445B.082 "General permit" defined. "General permit" means an operating permit issued by the director to cover numerous similar stationary sources.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95)

NAC 445B.084 "Hazardous air pollutant" defined. "Hazardous air pollutant" has the meaning ascribed to it in NRS 445B.140.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5305)

NAC 445B.086 "Incinerator" defined. "Incinerator" means an engineered apparatus capable of withstanding heat and designed to efficiently reduce solid, semisolid, liquid or gaseous waste at specified rates and from which the residues contain little or no combustible material.

[Environmental Comm'n, Air Quality Reg. § 1.33, eff. 11-7-75; renumbered as § 1.98, 12-4-76]—(Substituted in revision for NAC 445.533)

NAC 445B.087 "Increment" defined. "Increment" has the meaning ascribed to it in 40 C.F.R. § 52.21, as adopted in NAC 445B.221.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5335)

NAC 445B.091 "Local air pollution control agency" defined. "Local air pollution control agency" means any city, county or district air pollution control agency approved by the commission.

[Environmental Comm'n, Air Quality Reg. § 1.36, eff. 11-7-75; renumbered as § 1.103, 12-4-76; A and renumbered as § 1.99, 8-28-79]—(Substituted in revision for NAC 445.537)

NAC 445B.094 "Major source" defined. (NRS 445B.210)

1. Except as otherwise provided in subsection 3, "major source" means any stationary source that:

(a) Is located on one or more contiguous or adjacent properties;

(b) Is under the common control of the same person or persons;

(c) Belongs to a single major industrial grouping as described in the *Standard Industrial Classification Manual*, as incorporated by reference in NAC 445B.221; and

(d) Meets one of the following conditions:

(1) Is located in a nonattainment area and is required to obtain an operating permit pursuant to 42 U.S.C. §§ 7501 to 7515, inclusive;

(2) Directly emits or has the potential to emit:

(I) One hundred tons per year or more of any regulated air pollutant, excluding particulate matter more than 10 microns in diameter; or

(II) Ten tons per year or more of a hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants or a lesser quantity as established by the commission; or

(3) Is located in a particulate matter (PM_{10}) "serious" nonattainment area and directly emits or has the potential to emit 70 tons per year or more of PM_{10}.

The director shall consider fugitive emissions in determining whether a stationary source is major for any source category listed in 40 C.F.R. § 52.21(b)(1)(iii), as adopted by reference pursuant to NAC 445B.221, or whether a stationary source of a hazardous air pollutant is a major source. To determine whether a stationary source is a major source of hazardous air pollutants under 42 U.S.C. § 7412, emissions from any oil or gas exploration or production well, with its associated equipment, and emissions from any pipeline compressor or pump station must not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control.

2. In determining whether a stationary source is a major source, the director shall not consider the emissions from mobile sources subject to regulation under Title II of the federal Clean Air Act, 42 U.S.C. §§ 7521 to 7590, inclusive, or from nonroad engines.

3. For the purposes of the program for the prevention of significant deterioration of air quality (PSD), the term "major source" is synonymous with the term "major stationary source" as that term is defined in 40 C.F.R. § 52.21(b)(1), as adopted by reference in NAC 445B.221.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 3-29-94, eff. 11-15-94; 10-30-95; 5-3-96; R105-97, 3-5-98; R117-00, 6-1-2001)

NAC 445B.095 "Malfunction" defined. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown are not considered malfunctions.

[Environmental Comm'n, Air Quality Reg. § 1.105, eff. 12-4-76; A and renumbered as § 1.101, 8-28-79]—(Substituted in revision for NAC 445.542)

NAC 445B.096 "Maximum achievable control technology" defined. "Maximum achievable control technology" means any measure, process, method, system or technique applied to a stationary source which provides the maximum degree of reduction in the emission of hazardous air pollutants as follows:

1. For new stationary sources, the maximum degree of reduction in emissions must be no less stringent than the control of emissions that is achieved in practice by the best controlled similar stationary source, as determined by the Administrator.

2. For existing stationary sources, the maximum degree of reduction in emissions must be no less stringent than the requirements set forth in 42 U.S.C. § 7412(d)(3).

(Added to NAC by Environmental Comm'n, eff. 12-13-93; A 10-30-95)

NAC 445B.097 "Maximum allowable throughput" defined. "Maximum allowable throughput" means:

1. The maximum process weight allowed through a continuous or long-run steady-rate operation, per hour; or
2. For cyclical or batch unit operations or unit processes, the total process weight for a 1-hour period.

If any process, operation or the design of any equipment permits more than one interpretation of this section, the interpretation which results in the lesser value of allowable emissions applies.

(Added to NAC by Environmental Comm'n, eff. 10-22-87)—(Substituted in revision for NAC 445.5435)

NAC 445B.099 "Modification" defined. "Modification" means any physical change in, or change in the method of operation of a stationary source which:

1. Increases the amount of any regulated air pollutant, to which a standard applies, emitted into the atmosphere by that stationary source; or
2. Results in the emission of any regulated air pollutants, to which a standard applies, into the atmosphere if the regulated air pollutants were not previously emitted.

[Environmental Comm'n, Air Quality Reg. § 1.109, eff. 12-4-76; A and renumbered as § 1.95, 5-7-80]—(NAC A 10-30-95)

NAC 445B.103 "Monitoring device" defined. "Monitoring device" means the total equipment used to measure and record emissions and process parameters which is required pursuant to 42 U.S.C. §§ 7401 to 7671q, inclusive, or NAC 445B.001 to 445B.601, inclusive, or as a condition of an operating permit.

[Environmental Comm'n, Air Quality Reg. § 1.110, eff. 12-4-76]—(NAC A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96)—(Substituted in revision for NAC 445.548)

NAC 445B.104 "Motor vehicle" defined. (NRS 445B.210) "Motor vehicle" has the meaning ascribed to it in NRS 485.050.

(Added to NAC by Environmental Comm'n by R117-00, eff. 6-1-2001)

NAC 445B.106 "Multiple chamber incinerator" defined. "Multiple chamber incinerator" means any article, machine, equipment contrivance, structure or part of a structure used to dispose of combustible refuse by burning, which consists of three or more refractory lined combustion furnaces in series, physically separated by refractory walls and interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

[Environmental Comm'n, Air Quality Reg. § 1.39, eff. 11-7-75; renumbered as § 1.113, 12-4-76]—(Substituted in revision for NAC 445.549)

NAC 445B.108 "New stationary source" defined. "New stationary source" means:

1. For stationary sources subject to the requirements of 42 U.S.C. § 7412, a stationary source for which the owner or operator commenced construction or reconstruction after the Administrator proposed regulations pursuant to 42 U.S.C. § 7412 which established an emission standard applicable to the stationary source.
2. For all other stationary sources, a stationary source or modification for which an owner or operator has not submitted a complete application for an operating permit before the effective date of the program.

[Environmental Comm'n, Air Quality Reg. § 1.41, eff. 11-7-75; renumbered as § 1.114, 12-4-76; A and renumbered as § 1.100, 5-7-80]—(NAC A 12-13-93; 10-30-95)

NAC 445B.109 "Nitrogen oxides" defined. "Nitrogen oxides" means all oxides of nitrogen except nitrous oxide, as measured by test methods approved by the EPA.

[Environmental Comm'n, Air Quality Reg. § 1.116, eff. 12-4-76]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.552)

NAC 445B.112 "Nonattainment area" defined. "Nonattainment area" means, for any regulated air pollutant, an area:

1. Which is shown by monitored data or is calculated by air quality modeling or any other method determined by the Administrator to be reliable, to exceed any national standard of ambient air quality for the regulated air pollutant;
2. Which is designated as a nonattainment area by the governor; and
3. Which is promulgated as a nonattainment area by the Administrator.

[Environmental Comm'n, Air Quality Reg. § 1.103, eff. 5-7-80]—(NAC A 3-29-94, eff. 11-15-94; 10-30-95)

NAC 445B.113 "Nonroad engine" defined. (NRS 445B.210) "Nonroad engine" has the meaning ascribed to it in 40 C.F.R. § 89.2, as that section existed on December 31, 1997.

(Added to NAC by Environmental Comm'n by R117-00, eff. 6-1-2001)

NAC 445B.1135 "Nonroad vehicle" defined. (NRS 445B.210) "Nonroad vehicle" has the meaning ascribed to it in 40 C.F.R. § 89.2, as that section existed on December 31, 1997.

(Added to NAC by Environmental Comm'n by R117-00, eff. 6-1-2001)

NAC 445B.114 "Nuisance" defined. "Nuisance" means anything which is injurious to health, offensive to the senses or an obstruction to the free use of property and which interferes with the comfortable enjoyment of life or property.

[Environmental Comm'n, Air Quality Reg. § 1.42, eff. 11-7-75; renumbered as § 1.117, 12-4-76]—(Substituted in revision for NAC 445.554)

NAC 445B.116 "Odor" defined. "Odor" means a characteristic of a regulated air pollutant which makes it perceptible to the sense of smell.

[Environmental Comm'n, Air Quality Reg. § 1.43, eff. 11-7-75; renumbered as § 1.118, 12-4-76]—(NAC A 10-30-95)

NAC 445B.117 "Offset" defined. "Offset" means a reduction in emissions at an existing stationary source which is greater than a corresponding increase in emissions of the same regulated air pollutant at a new stationary source or a modification of a stationary source in the same nonattainment area.

(Added to NAC by Environmental Comm'n, eff. 3-29-94; A 10-30-95)

NAC 445B.119 "One-hour period" defined. "One-hour period" means any 60-minute period.

[Environmental Comm'n, Air Quality Reg. § 1.119, eff. 12-4-76]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.556)

NAC 445B.121 "Opacity" defined. "Opacity" means the property of a substance tending to obscure vision and measured in terms of percent obscuration. The relationship between opacity and Ringelmann number is approximately equal to the following in shades of white to gray.

Opacity (Percent)	Ringelmann Number
20	1
40	2
60	3
80	4
100	5

[Environmental Comm'n, Air Quality Reg. § 1.44, eff. 11-7-75; renumbered as § 1.120, 12-4-76]—(Substituted in revision for NAC 445.557)

NAC 445B.122 "Open burning" defined. "Open burning" means any fire from which the products of combustion are emitted into the atmosphere without passing through a stack or chimney.

[Environmental Comm'n, Air Quality Reg. § 1.45, eff. 11-7-75; renumbered as § 1.21, 12-4-76]—(Substituted in revision for NAC 445.558)

NAC 445B.123 "Operating permit" defined. (NRS 445B.210, 445B.300) "Operating permit" has the meaning ascribed to it in NRS 445B.145. Unless otherwise specifically stated, the term includes a Class I, a Class II and a Class III operating permit and an operating permit to construct.

[Environmental Comm'n, Air Quality Reg. § 1.46, eff. 11-7-75; renumbered as § 1.122, 12-4-76]—(NAC A 12-13-93; R040-01, 10-25-2001; R103-02, 12-17-2002)

NAC 445B.124 "Operating permit to construct" defined. (NRS 445B.210, 445B.300) "Operating permit to construct" means an operating permit signed and issued by the director which:

1. Authorizes the construction and an initial period of operation of a proposed new Class I stationary source or modification to an existing Class I stationary source;
2. Includes the conditions which apply to the construction and the initial period of operation of the Class I stationary source or modification to an existing Class I stationary source; and
3. Includes the requirement that the holder of the operating permit to construct submit a complete application for a Class I operating permit or for a modification of an existing Class I operating permit within 12 months after the date of the initial start-up of the new or modified Class I stationary source.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.125 "Ore" defined. "Ore" means a natural combination of minerals from which a metal can be extracted.

[Environmental Comm'n, Air Quality Reg. Art. 1 § 3, eff. 11-17-78]—(Substituted in revision for NAC 445.560)

NAC 445B.127 "Owner or operator" defined. "Owner or operator" means any person who owns, leases, operates, controls or supervises an affected facility or a stationary source of which an affected facility is a part.

[Environmental Comm'n, Air Quality Reg. § 1.123, eff. 12-4-76]—(Substituted in revision for NAC 445.561)

NAC 445B.129 "Particulate matter" defined. "Particulate matter" means any material except uncombined water that exists in a finely divided form as a liquid or solid at reference conditions.

[Environmental Comm'n, Air Quality Reg. § 1.47, eff. 11-7-75; renumbered as § 1.124, 12-4-76]—(Substituted in revision for NAC 445.562)

NAC 445B.130 "Pathological wastes" defined. "Pathological wastes" means human and animal remains consisting of carcasses, organs and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds and similar stationary sources.

[Environmental Comm'n, Air Quality Reg. § 1.48, eff. 11-7-75; renumbered as § 1.125, 12-4-76]—(NAC A 10-30-95)

NAC 445B.134 "Person" defined. "Person" has the meaning ascribed to it in NRS 445B.150.

[Environmental Comm'n, Air Quality Reg. § 1.49, eff. 11-7-75; renumbered as § 1.126, 12-4-76]—(Substituted in revision for NAC 445.564)

NAC 445B.135 "PM_{10}" defined. "PM_{10}" means any particulate matter in the atmosphere with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by an approved reference method or equivalent method based on 40 C.F.R. Part 50, Appendix J and designated in accordance with 40 C.F.R. Part 53.

(Added to NAC by Environmental Comm'n, eff. 12-26-91)—(Substituted in revision for NAC 445.5655)

NAC 445B.138 "Potential to emit" defined. "Potential to emit" means the maximum capacity of a stationary source to emit a regulated air pollutant under its physical and operational design. Any physical or operational limitation on the capacity of a stationary source to emit a regulated air pollutant, including equipment for the control of air pollution and any restrictions on the hours of operation of the stationary source or on the type or amount of material combusted, stored or processed, may be treated as part of its design for the purposes of determining its potential to emit if the limitation is enforceable by the director.

[Environmental Comm'n, Air Quality Reg. part § 1.115.5, eff. 10-16-80]—(NAC A 12-13-93; 10-30-95; 5-3-96)

NAC 445B.139 "Precious metal" defined. "Precious metal" means a metal of the gold, silver or platinum metal group.

[Environmental Comm'n, Air Quality Reg. Art. 1 § 1, eff. 1-25-79; A 8-28-79]—(Substituted in revision for NAC 445.574)

NAC 445B.140 "Precious metal processing plant" defined. "Precious metal processing plant" means a facility which is primarily engaged in crushing, screening, grinding, handling, loading, transferring or storing any precious metal or precious metal ore.

[Environmental Comm'n, Air Quality Reg. Art. 1 § 2, eff. 1-25-79; A 8-28-79]—(Substituted in revision for NAC 445.575)

NAC 445B.141 "Preconstruction review" defined. "Preconstruction review" means a review by the director of all information contained in a Class I-B application, as required in NAC 445B.308 to 445B.313, inclusive, and 40 C.F.R. § 52.21.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.5775)

NAC 445B.142 "Prevention of significant deterioration of air quality" defined. "Prevention of significant deterioration of air quality" has the meaning ascribed to it in 40 C.F.R. § 52.21.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5795)

NAC 445B.144 "Process equipment" defined. "Process equipment" means any equipment used for storing, handling, transporting, processing or changing any material, excluding that equipment specifically defined in NAC 445B.001 to 445B.601, inclusive, as fuel-burning equipment or incinerators.

[Environmental Comm'n, Air Quality Reg. § 1.52, eff. 11-7-75; renumbered as § 1.140, 12-4-76]—(Substituted in revision for NAC 445.581)

NAC 445B.145 "Process weight" defined. "Process weight" means the total weight of all materials introduced into an emission unit including solid fuels, but excluding liquids and gases used solely as fuels and air introduced for purposes of combustion of the fuel.

[Environmental Comm'n, Air Quality Reg. § 1.50, eff. 11-7-75; renumbered as § 1.143, 12-4-76; A and renumbered as § 1.140, 8-28-79]—(NAC A 10-30-95)

NAC 445B.147 "Program" defined. "Program" means the program for issuing operating permits to Class I sources which the Administrator has approved as complying with the requirements of 40 C.F.R. Part 70.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.5855)

NAC 445B.148 "Proportional sampling" defined. "Proportional sampling" means sampling at a rate that produces a constant ratio of sampling rate to the rate of the flow of stack gas.

[Environmental Comm'n, Air Quality Reg. § 1.146, eff. 12-4-76; A and renumbered as
§ 1.143, 8-28-79]—(Substituted in revision for NAC 445.587)

NAC 445B.151 "Reference conditions" defined. "Reference conditions" means that all measurements of ambient air quality are corrected to a reference temperature of 77°F (25°C) and to a reference pressure of 29.92 inches (760 millimeters, 1,013.2 millibars) of mercury.

[Environmental Comm'n, Air Quality Reg. § 1.53, eff. 11-7-75; A and renumbered as § 1.147, 12-4-76; A and renumbered as § 1.144, 8-28-79]—(NAC A 10-22-87)—(Substituted in revision for NAC 445.589)

NAC 445B.152 "Reference method" defined. "Reference method" means any method of sampling and analyzing for a regulated air pollutant as described in Appendix A of 40 C.F.R. § 60.

[Environmental Comm'n, Air Quality Reg. § 1.148, eff. 12-4-76; A and renumbered as
§ 1.145, 8-28-79]—(NAC A 10-30-95)

NAC 445B.153 "Regulated air pollutant" defined. "Regulated air pollutant" means:

1. Nitrogen oxides or any volatile organic compounds;
2. Any pollutant subject to:

(a) A national ambient air quality standard;

(b) A standard or requirement adopted pursuant to 42 U.S.C. § 7411 or 7412; or

(c) A standard established pursuant to NAC 445B.22097; or

3. Any Class I or Class II substance subject to a standard adopted pursuant to 42 U.S.C. §§ 7671 to 7671q, inclusive.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95)

NAC 445B.154 "Renewal of an operating permit" defined. "Renewal of an operating permit" means the process by which a holder of an operating permit applies for and the director reissues the operating permit at the end of its term.

(Added to NAC by Environmental Comm'n, eff. 12-13-93)—(Substituted in revision for NAC 445.5915)

NAC 445B.156 "Responsible official" defined. "Responsible official" means:

1. For a corporation:

(a) A president;

(b) A vice president in charge of a principal business function;

(c) A secretary;

(d) A treasurer; or

(e) An authorized representative of such a person who is responsible for the overall operation of the facility and who is designated in writing by an officer of the corporation and approved in advance by the director.

2. For a partnership or sole proprietorship, a general partner or the proprietor, respectively.

3. For a municipality or a state, federal or other public agency, a ranking elected official or a principal executive officer, including, for a federal agency, a chief executive officer who has responsibility for the overall operations of a principal geographic unit of the agency.

4. For an affected source, the designated representative or his alternate, as defined in 42 U.S.C. § 7651a(26).

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.5925)

NAC 445B.157 "Revision of an operating permit" defined. "Revision of an operating permit" means any modification of or any administrative amendment to an operating permit.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94)—(Substituted in revision for NAC 445.5935)

NAC 445B.159 "Ringelmann chart" defined. "Ringelmann chart" means the chart published by the United States Bureau of Mines, which illustrates graduated shades of gray to black, for use in estimating the light-obscuring capacity of smoke.

[Environmental Comm'n, Air Quality Reg. § 1.56, eff. 11-7-75; renumbered as § 1.155, 12-4-76]—(Substituted in revision for NAC 445.596)

NAC 445B.161 "Run" defined. "Run" means the net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

[Environmental Comm'n, Air Quality Reg. § 1.159, eff. 12-4-76]—(Substituted in revision for NAC 445.599)

NAC 445B.163 "Salvage operation" defined. "Salvage operation" means any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

[Environmental Comm'n, Air Quality Reg. § 1.157, eff. 11-7-75; renumbered as § 1.161, 12-4-76]—(Substituted in revision for NAC 445.601)

NAC 445B.164 "Scheduled maintenance" defined. "Scheduled maintenance" means the maintenance which is planned by the management of a stationary source, or any part thereof, which is anticipated at least 1 month in advance.

(Added to NAC by Environmental Comm'n, eff. 8-22-86)—(Substituted in revision for NAC 445.6015)

NAC 445B.165 "Scheduled repair" defined. "Scheduled repair" means the repair of a stationary source, or any part thereof, which occurs within 1 month of discovery of the need for the repair and which is not a part of scheduled maintenance.

(Added to NAC by Environmental Comm'n, eff. 8-22-86)—(Substituted in revision for NAC 445.6035)

NAC 445B.167 "Shutdown" defined. "Shutdown" means the cessation of operation of an affected facility for any purpose.

[Environmental Comm'n, Air Quality Reg. § 1.166, eff. 12-4-76]—(Substituted in revision for NAC 445.606)

NAC 445B.168 "Single chamber incinerator" defined. "Single chamber incinerator" means an incinerator with one chamber that serves for ignition, combustion and ash removal of a design approved by the division of environmental protection of the state department of conservation and natural resources.

[Environmental Comm'n, Air Quality Reg. § 1.98.1, eff. 3-31-77; A 12-27-77; A and renumbered as § 1.94.1, 8-28-79]—(Substituted in revision for NAC 445.612)

NAC 445B.172 "Six-minute period" defined. "Six-minute period" means any one of the 10 equal parts of a 1-hour period.

[Environmental Comm'n, Air Quality Reg. § 1.175, eff. 12-4-76]—(Substituted in revision for NAC 445.617)

NAC 445B.174 "Smoke" defined. "Smoke" means small particles consisting predominantly, but not exclusively, of carbon, ash or other combustible material, resulting from incomplete combustion.

[Environmental Comm'n, Air Quality Reg. § 1.59, eff. 11-7-75; renumbered as § 1.179, 12-4-76]—(Substituted in revision for NAC 445.621)

NAC 445B.176 "Solid waste" defined. "Solid waste" means refuse, more than 50 percent of which is municipal type waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles and noncombustible materials such as glass and rock.

[Environmental Comm'n, Air Quality Reg. § 1.176, eff. 12-4-76]—(Substituted in revision for NAC 445.622)

NAC 445B.177 "Source" defined. "Source" has the meaning ascribed to it in NRS 445B.155.

[Environmental Comm'n, Air Quality Reg. § 1.60, eff. 11-7-75; renumbered as § 1.177, 12-4-76]—(NAC A 10-30-95)

NAC 445B.178 "Source reduction" defined.

1. "Source reduction" means any practice which reduces:

(a) The amount of a regulated air pollutant or pollutants, including fugitive emissions, emitted to the ambient air before the application of control equipment; and

(b) The hazards to public health and the environment associated with the emission of the regulated air pollutant or pollutants.

2. The term includes modifications of equipment or technology, modifications of procedure or process, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or control of inventory.

3. The term does not include any practice which alters the physical, chemical or biological characteristics or the volume of the regulated air pollutant through a process or activity which is not integral to and necessary for the production of a product or the provision of a service.

(Added to NAC by Environmental Comm'n, eff. 3-29-94)—(Substituted in revision for NAC 445.6235)

NAC 445B.179 "Special mobile equipment" defined. (NRS 445B.210) "Special mobile equipment" has the meaning ascribed to it in NRS 482.123.

(Added to NAC by Environmental Comm'n by R117-00, eff. 6-1-2001)

NAC 445B.180 "Stack" and "chimney" defined. "Stack" or "chimney" means any flue, conduit or duct which conducts a regulated air pollutant to the atmosphere.

[Environmental Comm'n, Air Quality Reg. § 1.62, eff. 11-7-75; renumbered as § 1.178, 12-4-76]—(NAC A 10-14-82; 3-29-94, eff. 11-15-94; 10-30-95)

NAC 445B.182 "Standard" defined. "Standard" means a standard of performance that is proposed or promulgated by the Administrator or the director pursuant to NAC 445B.001 to 445B.735, inclusive.

[Environmental Comm'n, Air Quality Reg. § 1.180, eff. 12-4-76]—(NAC A 3-29-94, eff. 11-15-94; 7-5-94)

NAC 445B.185 "Start-up" defined. "Start-up" means the setting in operation of an affected facility for any purpose.

[Environmental Comm'n, Air Quality Reg. § 1.179, eff. 12-4-76]—(Substituted in revision for NAC 445.627)

NAC 445B.187 "Stationary source" defined. (NRS 445B.210)

1. "Stationary source" means all buildings, structures, facilities and installations, including temporary sources, which:

(a) Belong to the same major industrial groupings described in the *Standard Industrial Classification Manual*, as incorporated by reference in NAC 445B.221;

(b) Are located on one or more contiguous or adjacent properties;

(c) Are owned or operated by the same person or by persons under common control; and

(d) Emit or may emit any regulated air pollutant that is regulated under 42 U.S.C. §§ 7401 to 7671q, inclusive, or NAC 445B.001 to 445B.3497, inclusive.

2. Contracted operations that support the primary operations of the stationary source are part of the stationary source, except that temporary construction activities, including, without limitation, the construction of emission units, are not part of the stationary source.

3. The term does not include motor vehicles, special mobile equipment, nonroad engines and nonroad vehicles.

[Environmental Comm'n, Air Quality Reg. § 1.182, eff. 12-4-76]—(NAC A 3-29-94, eff. 1-11-96; 10-30-95; R105-97, 3-5-98; R117-00, 6-1-2001)

NAC 445B.190 "Stop order" defined. "Stop order" means a written notice by the director served on a person or persons requiring such persons to cease the activity that the director, pursuant to NAC 445B.277, has determined is in violation of any provision of NAC 445B.001 to 445B.3497, inclusive, an applicable requirement or any condition of an operating permit.

[Environmental Comm'n, Air Quality Reg. § 1.63, eff. 11-7-75; renumbered as § 1.184, 12-4-76]—(NAC A 12-13-93)—(Substituted in revision for NAC 445.630)

NAC 445B.194 "Temporary source" defined. (NRS 445B.210) "Temporary source" means any building, structure, facility or installation which:

1. Emits or may emit any regulated air pollutant;
2. May be moved from one location to another;
3. Is located or operated in a location for a period of less than 12 months; and
4. Is not an affected source.

(Added to NAC by Environmental Comm'n, eff. 10-30-95; A by R117-00, 6-1-2001)

NAC 445B.195 "Thermit process" defined. "Thermit process" means an exothermic reaction produced by heating finely divided aluminum on a metal oxide causing reduction of the oxide.

[Environmental Comm'n, Air Quality Reg. § 1.199, eff. 12-4-76]—(Substituted in revision for NAC 445.641)

NAC 445B.196 "Toxic regulated air pollutant" defined. "Toxic regulated air pollutant" means a substance designated as such by the commission based upon the commission's determination of the extent to which the substance presents a risk to the public health.

(Added to NAC by Environmental Comm'n, eff. 12-5-84; A 11-23-92; 10-29-93; 12-13-93; 10-30-95)

NAC 445B.198 "Uncombined water" defined. "Uncombined water" means visible mist or condensed water vapor.

[Environmental Comm'n, Air Quality Reg. § 1.65, eff. 11-7-75; renumbered as § 1.205, 12-4-76; A and renumbered as § 1.200, 8-28-79]—(Substituted in revision for NAC 445.647)

NAC 445B.200 "Violation" defined. "Violation" means a failure to comply with any of the provisions of NAC 445B.001 to 445B.3497, inclusive, any applicable requirement or any condition of an operating permit.

[Environmental Comm'n, Air Quality Reg. § 1.203, eff. 8-28-79]—(NAC A 10-22-87; 12-13-93)—(Substituted in revision for NAC 445.649)

NAC 445B.202 "Volatile organic compounds" defined. "Volatile organic compounds" has the meaning ascribed to it in 40 C.F.R. § 51.100(s), as incorporated by reference in NAC 445B.221.

[Environmental Comm'n, Air Quality Reg. § 1.67, eff. 11-7-75; renumbered as § 1.208, 12-4-76; A and renumbered as § 1.204, 8-28-79]—(NAC A 3-29-94, eff. 11-15-94)—(Substituted in revision for NAC 445.650)

NAC 445B.205 "Waste" defined. "Waste" means useless, unneeded, or superfluous matter or discarded or excess material.

[Environmental Comm'n, Air Quality Reg. § 1.68, eff. 11-7-75; renumbered as § 1.209, 12-4-76; A and renumbered as § 1.205, 8-28-79]—(Substituted in revision for NAC 445.651)

NAC 445B.207 "Wet garbage" defined. "Wet garbage" means a combination of waste and garbage which contains more than 50 percent moisture.

[Environmental Comm'n, Air Quality Reg. § 1.69, eff. 11-7-75; renumbered as § 1.211, 12-4-76; A and renumbered as § 1.207, 8-28-79]—(Substituted in revision for NAC 445.653)

NAC 445B.209 "Year" defined. "Year" means any consecutive 365-day period.

(Added to NAC by Environmental Comm'n, eff. 10-22-87)—(Substituted in revision for NAC 445.6535)

NAC 445B.211 Abbreviations. (NRS 445B.210) The abbreviations used in NAC 445B.001 to 445B.3497, inclusive, have the following meanings:

Btu	British thermal unit
C.F.R.	Code of Federal Regulations
CO	carbon monoxide
CO_2	carbon dioxide
°F	degree Fahrenheit
Hg	mercury
H_2O	water
H_2S	hydrogen sulfide
Lb	pound
NO_x	nitrogen oxides
O_2	oxygen
Ppm	parts per million
SO_2	sulfur dioxide
VOC	volatile organic compound

[Environmental Comm'n, Air Quality Reg. § 1.213, eff. 12-4-76; A and renumbered as § 1.209, 8-28-79]—(NAC A 10-15-85; R105-97, 3-5-98; R040-01, 10-25-2001)

General Provisions

NAC 445B.220 Severability. (NRS 445B.210) If any of the provisions of NAC 445B.001 to 445B.3497, inclusive, or any application thereof to any person, thing or circumstance is held invalid, it is intended that such invalidity not affect the remaining provisions, or their application, that can be given effect without the invalid provision or application.

[Environmental Comm'n, Air Quality Reg. § 2.1.1, eff. 11-7-75]—(NAC A by R105-97, 3-5-98)

NAC 445B.2201 Hazardous air pollutants and toxic regulated air pollutants: Determination of substances.

1. A substance is a hazardous air pollutant if it is on the federal list of hazardous air pollutants set forth in 42 U.S.C. § 7412(b), which is adopted pursuant to NAC 445B.221.

2. A substance is a toxic regulated air pollutant if the commission determines that it causes or contributes to air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, unless a federal standard for the quality of ambient air, standard for the quality of ambient air adopted by the commission, new source performance standard or national emission standard for hazardous air pollutants applies.

(Added to NAC by Environmental Comm'n, eff. 12-5-84; A 10-18-88; 10-29-93; 12-13-93; 10-30-95; 5-3-96)—(Substituted in revision for NAC 445B.339)

NAC 445B.22013 Hazardous air pollutants and toxic regulated air pollutants: Prohibited discharge. An owner or operator shall not cause or permit the discharge into the atmosphere from any stationary source of any hazardous air pollutant or toxic regulated air pollutant that threatens the health and safety of the general public, as determined by the director.

(Added to NAC by Environmental Comm'n, eff. 12-5-84; A 10-22-87; 12-8-89; 12-13-93; 10-30-95; 5-3-96)—(Substituted in revision for NAC 445B.349)

NAC 445B.22017 Visible emissions: Maximum opacity; determination. (NRS 445B.210)

1. Except as otherwise provided in this section and NAC 445B.2202 and 445B.22023, no owner or operator may cause or permit the discharge into the atmosphere from any emission unit which is of an opacity equal to or greater than 20 percent. Opacity must be determined by one of the following methods:

(a) If opacity is determined by a visual measurement, it must be determined as set forth in Reference Method 9 in Appendix A of 40 C.F.R. Part 60.

(b) If a source uses a continuous monitoring system for the measurement of opacity, the data must be reduced to 6-minute averages as set forth in 40 C.F.R. § 60.13(h).

2. The provisions of this section and NAC 445B.2202 and 445B.22023 do not apply to that part of the opacity that consists of uncombined water. The burden of proof to establish the application of this exemption is upon the person seeking to come within the exemption.

3. If the provisions of 40 C.F.R. Part 60, Subpart D or Da apply to an emission unit, the emission unit must be allowed one 6-minute period per hour of not more than 27 percent opacity as set forth in 40 C.F.R. § 60.42(a)(2) and 40 C.F.R. § 60.42a(b).

4. The continuous monitoring system for monitoring opacity at a facility must be operated and maintained by the owner or operator specified in the permit for the facility in accordance with NAC 445B.256 to 445B.267, inclusive.

[Environmental Comm'n, Air Quality Reg. §§ 4.1 & 4.2, eff. 11-7-75; § 4.5.1.1, eff. 8-28-79]—(NAC A 9-19-90; 10-30-95; R118-00, 9-25-2000)—(Substituted in revision for NAC 445B.354)

NAC 445B.2202 Visible emissions: Exceptions for stationary sources. NAC 445B.22017 and 445B.22023 do not apply to:

1. Smoke from the open burning described in NAC 445B.22067;

2. Smoke discharged in the course of training air pollution control inspectors to observe visible emissions, if the facility has written approval of the commission;

3. Emissions from an incinerator as set forth in NAC 445B.2207;

4. Emission from a thermit batch process when charging which does not exceed 60 minutes and for no more than one charging in any 24 consecutive hours;

5. Emissions of stationary diesel-powered engines during warmup for not longer than 15 minutes to achieve operating temperatures; or

6. Emission from a steam generating unit fired by fossil fuel or wood for boiler lancing or soot blowing, not to exceed 180 minutes in any 24 consecutive hours.

[Environmental Comm'n, Air Quality Reg. §§ 4.3.1-4.3.3, eff. 11-7-75; § 4.3.6, eff. 12-4-76; A and renumbered as § 4.3.4, 12-15-77; § 4.3.5, eff. 11-7-75; § 4.3.6, eff. 12-15-77; A 4-18-80]—(Substituted in revision for NAC 445B.355)

NAC 445B.22023 Visible emissions: Coal-fired steam generating facilities.

1. This section and NAC 445B.22017 and 445B.2202 apply to any coal-fired steam generating facility used to produce electricity with an equipment manufacturer's guarantee or demonstrated capability of more than 7,936 x 10^6 Btu (2,000 x 10^6 kg-cal) per hour of heat input which existed before 1972.

2. Each coal-fired steam generating unit at a facility must not discharge any particulate matter which exceeds an average opacity of 30 percent for any 6-minute period contained in any hour as measured in the emissions stack of the facility in the manner described in subsection 3.

3. The opacity of the particulate matter must be averaged over each 6-minute period and recorded 10 times per hour. The initial 6-minute period for each hour must begin on the hour. The average opacity for each 6-minute period must be recorded after the expiration of that period.

[Environmental Comm'n, Air Quality Reg. §§ 4.5 & 4.5.1, eff. 8-28-79]—(NAC A 9-19-90; 10-29-93; 10-29-93, eff. 4-1-94)—(Substituted in revision for NAC 445B.357)

NAC 445B.22027 Emissions of particulate matter: Maximum allowable throughput for calculating emissions rates. (NRS 445B.210) For purposes of NAC 445B.22027 to 445B.22037, inclusive, the maximum allowable throughput to be used to calculate allowable emission rates must be the maximum process weight for an emission unit.

[Environmental Comm'n, Air Quality Reg. § 7.2.4, eff. 11-7-75; A 12-4-76]—(NAC A 10-22-87; 12-26-91; R105-97, 3-5-98)—(Substituted in revision for NAC 445B.360)

NAC 445B.2203 Emissions of particulate matter: Fuel-burning equipment. (NRS 445B.210)

1. No person may cause or permit the emission of PM_{10} resulting from the combustion of fuel in fuel-burning equipment in excess of the quantity set forth in the following formulas:

(a) For maximum input of heat equal to or greater than 4 million Btu's per hour, but less than or equal to 10 million Btu's per hour, the allowable emission is 0.6 of a pound per million Btu's of input of heat.

(b) For maximum input of heat greater than 10 million Btu's per hour, but less than 4,000 million Btu's per hour, the allowable emissions must be calculated using the following equation:

$$Y = 1.02X^{-0.231}$$

(c) For maximum input of heat equal to or greater than 4,000 million Btu's per hour, the emission must be calculated using the following equation:

$$Y = 17.0X^{-0.568}$$

2. For the purposes of paragraphs (b) and (c) of subsection 1:

(a) "X" means the maximum operating rate in million Btu's per hour.

(b) "Y" means the allowable rate of emission in pounds per million Btu's.

[Environmental Comm'n, Air Quality Reg. §§ 7.1.1-7.1.1.2, eff. 11-7-75; § 7.1.3, eff. 11-7-75; renumbered as § 7.1.2, 12-15-77]—(NAC A 10-15-85; 9-19-90; 12-26-91; 10-30-95; R022-99, 9-27-99)—(Substituted in revision for NAC 445B.362)

NAC 445B.22033 Emissions of particulate matter: Sources not otherwise limited. (NRS 445B.210)

1. Owners or operators of stationary sources not otherwise included in NAC 445B.22027 to 445B.22037, inclusive, shall not cause or permit PM_{10} to be discharged from any emission unit into the atmosphere in excess of the allowable emission determined by the use of the formula contained in subsection 2 or 3.

2. When the maximum allowable throughput is less than 30 tons per hour, the maximum allowable weight discharged per hour must be determined by using the following equation:

$$E = 4.10P^{0.67}$$

3. When the maximum allowable throughput equals or exceeds 30 tons per hour, the maximum allowable weight discharged per hour must be determined by using the following equation:

$$E = 55P^{0.11} - 40$$

4. For the purposes of subsections 2 and 3:

(a) "E" means the maximum rate of emission in pounds per hour.

(b) "P" means the maximum allowable throughput in tons per hour.

[Environmental Comm'n, Air Quality Reg. §§ 7.2.1-7.2.3, eff. 11-7-75]—(NAC A 10-19-83; 10-15-85; 10-22-87; 9-19-90; 12-26-91; 10-30-95; R105-97, 3-5-98)—(Substituted in revision for NAC 445B.363)

NAC 445B.22037 Emissions of particulate matter: Fugitive dust.

1. No person may cause or permit the handling, transporting or storing of any material in a manner which allows or may allow controllable particulate matter to become airborne.

2. Except as otherwise provided in subsection 4, no person may cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, "best practical methods" includes, but is not limited to, paving, chemical stabilization, watering, phased construction and revegetation.

3. Except as otherwise provided in subsection 4, no person may disturb or cover 5 acres or more of land or its topsoil until he has obtained an operating permit for surface area disturbance to clear, excavate, or level the land or to deposit any foreign material to fill or cover the land.

4. The provisions of subsections 2 and 3 do not apply to:

(a) Agricultural activities occurring on agricultural land; or

(b) Surface disturbances authorized by a permit issued pursuant to NRS 519A.180 which occur on land which is not less than 5 acres or more than 20 acres.

[Environmental Comm'n, Air Quality Reg. §§ 7.3.1 & 7.3.2, eff. 11-7-75; § 7.3.3, eff. 11-7-75; A 12-15-77]—(NAC A 9-19-90; 12-26-91; 12-13-93; 10-30-95)—(Substituted in revision for NAC 445B.365)

NAC 445B.2204 "Sulfur emission" defined. For purposes of NAC 445B.2204 to 445B.22063, inclusive, "sulfur emission" means the sulfur portion of the sulfur compounds emitted.

[Environmental Comm'n, Air Quality Reg. § 8.2.2.4, eff. 11-7-75; renumbered as § 8.2.4, 12-4-76; A and renumbered as § 8.2.2, 12-15-77]—(Substituted in revision for NAC 445B.370)

NAC 445B.22043 Sulfur emissions: Calculation of total feed sulfur. For the purposes of NAC 445B.2204 to 445B.22063, inclusive, total feed sulfur must be calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous by-products are emitted to the atmosphere. When furnaces, sinter machines, sinter boxes, roasters, converters, or other similar devices are used for converting ores, concentrates, residues, or slag to the metal or the oxide of the metal either wholly or in part, the combined sulfur input of all units must be used to determine the allowable emission.

[Environmental Comm'n, Air Quality Reg. § 8.1.5, eff. 11-7-75]—(Substituted in revision for NAC 445B.371)

NAC 445B.22047 Sulfur emissions: Fuel-burning equipment. (NRS 445B.210)

1. No person may cause or permit the emission of compounds of sulfur caused by the combustion of fuel in fuel-burning equipment in excess of the quantity calculated by the use of the formula in subsection 2 or 3.

2. Where an emission unit has a maximum input of heat of less than 250 million Btu's per hour, the allowable emission must be calculated by the use of the following equation:

$$Y = 0.7X$$

For the purposes of this subsection:

(a) "X" means the maximum operating input of heat in millions of Btu's per hour.

(b) "Y" means the allowable rate of emission of sulfur in pounds per hour.

3. Where an emission unit has a maximum input of heat equal to or greater than 250 million Btu's per hour, the allowable emission of sulfur must be calculated by the use of the following equations:

Liquid fuel $Y = 0.4X$

Solid fuel $Y = 0.6X$

Combination Fuel $$Y = \frac{L\,(0.4X) + S\,(0.6X)}{L + S}$$

For the purposes of this subsection:

(a) "X" means the maximum input of the operation in millions of Btu's per hour.

(b) "Y" means the allowable rate of emissions of sulfur in pounds per hour.

(c) "L" means the percentage of total input of heat derived from liquid fuel.

(d) "S" means the percentage of total input of heat derived from solid fuel.

[Environmental Comm'n, Air Quality Reg. § 8.2.1, eff. 11-7-75; § 8.2.2.1, eff. 11-7-75; A and renumbered as § 8.2.2, 12-4-76; renumbered as § 8.2.1.1, 12-15-77; § 8.2.2.2, eff. 11-7-75; A and renumbered as § 8.2.3, 12-4-76; renumbered as § 8.2.1.2, 12-15-77; § 8.2.2.3, eff. 11-7-75]—(NAC A 10-19-83; 10-15-85; 9-19-90; 12-24-91; 10-30-95; R105-97, 3-5-98; R022-99, 9-27-99)—(Substituted in revision for NAC 445B.373)

NAC 445B.2205 Sulfur emissions: Other processes which emit sulfur. (NRS 445B.210)

1. No person may cause or permit the emission of sulfur compounds where the sulfur originates in the material being processed, excluding hydrogen sulfide and sulfur from all solid, liquid or gaseous fuel, in excess of the quantity determined by the following equation:

$$E = 0.292P^{0.904}$$

when "E" is equal to or greater than 10 pounds per hour. When "E" is less than 10 pounds per hour, the gas stream concentration must not exceed 1,000 ppm by volume.

2. For the purposes of subsection 1:

(a) "E" means the allowable sulfur emission in pounds per hour.

(b) "P" means the total feed sulfur, excluding hydrogen sulfide, in pounds per hour.

3. When sulfur emissions are due to sulfur contributions from both the fuel and the material being processed, the allowable emissions must be the sum of those allowed by this section and NAC 445B.22047 and 445B.22057.

4. Incinerators used solely for the control of odor by the combustion of noxious sulfur containing compounds are exempt from NAC 445B.2204 to 445B.22063, inclusive, and are governed by NAC 445B.287 to 445B.3497, inclusive, and 445B.22027 to 445B.22037, inclusive.

5. A person shall not cause or permit the emission of any gas containing hydrogen sulfide which is discharged to the atmosphere from any emission unit unless the emission unit is vented, incinerated or flared, or the stream is otherwise disposed of, in a manner such that the ambient sulfur dioxide standards and the ambient hydrogen sulfide standards are not exceeded. Before construction, compliance with the ambient standards must be based on the applicable models, bases and other requirements specified in 40 C.F.R. Part 51, Appendix W, Guideline on Air Quality Models, adopted by reference pursuant to NAC 445B.221, except that the director may authorize the modification of a model specified in the Guideline on Air Quality Models or the use of a model not included in the Guideline on Air Quality Models if the director determines that such modification or use is appropriate.

[Environmental Comm'n, Air Quality Reg. §§ 8.3.1-8.4, eff. 11-7-75]—(NAC A 9-5-84; 9-19-90; 12-26-91; 12-13-93; 10-30-95; 5-3-96; R105-97, 3-5-98)—(Substituted in revision for NAC 445B.374)

NAC 445B.22053 Allowable emissions of sulfur from specific sources: Gabbs plant of Basic Refractories. The allowable emission of sulfur from the #1 Kiln of the Gabbs plant of Basic Refractories, located in Air Quality Region 148, Basin 122, Gabbs Valley, must not be greater than 0.26 pound per million Btu's (0.47 kilogram per million kilogram-calories).

[Environmental Comm'n, Air Quality Reg. § 8.3.4, eff. 9-15-80]—(Substituted in revision for NAC 445B.375)

NAC 445B.22057 Allowable emissions of sulfur from specific sources: Units Number 1, 2 and 3 of Reid Gardner Power Station. The allowable emission of sulfur from fossil fuel-fired power generating units Number 1, 2 and 3 of Nevada Power Company's Reid Gardner Station, located in Air Quality Control Region 13, Basin 218, California Wash, must not be greater than .275 pounds per million Btu's (.504 kilograms per million kg-cal) per hour.

[Environmental Comm'n, Air Quality Reg. § 8.2.1.3 + § 16.1.3.5, eff. 1-1-83]—(NAC A 9-19-90)—(Substituted in revision for NAC 445B.376)

NAC 445B.2206 Allowable emissions of sulfur from specific sources: Unit Number 4 of Reid Gardner Power Station. The allowable emission of sulfur from fossil fuel-fired power generating unit Number 4 of Nevada Power Company's Reid Gardner Station, located in Air Quality Control Region 13, Basin 218, California Wash, must not be greater than 0.145 lb/10 Btu (0.09 kg/10 kg-cal). The efficiency of the capture of sulfur must be maintained at a minimum of 85 percent, based on a 30-day rolling average.

(Added to NAC by Environmental Comm'n, eff. 8-22-86)—(Substituted in revision for NAC 445B.377)

NAC 445B.22063 Allowable emissions of sulfur from specific sources: North Valmy Power Station. The allowable emission of sulfur from fossil fuel-fired power generating unit Number 2 Sierra Pacific Power Company's North Valmy Station, located in Air Quality Control Region 147, Basin 64, Clovers Area, must not be greater than 0.3 $lb/10^6$ Btu (0.135 $kg/10^6$ kg-cal). The efficiency of the capture of sulfur must be maintained at a minimum of 70 percent, based on a 30-day rolling average.

(Added to NAC by Environmental Comm'n, eff. 8-22-86; A 9-25-87)—(Substituted in revision for NAC 445B.378)

NAC 445B.22067 Open burning.

1. The open burning of any combustible refuse, waste, garbage, oil, or for any salvage operations, except as specifically exempted, is prohibited.
2. This section does not apply to open burning:

(a) Approved in advance by the director.

(b) Concurred in by the director and authorized by an officer of the state or its political subdivisions for the purpose of weed abatement, conservation, disease control, game or forest management, personnel training or elimination of hazards.

(c) For agricultural purposes and management except where prohibited by local ordinances or regulations.

(d) At single-family residences, unless prohibited by local ordinances or regulations, in all areas of the state except in and within 1 mile of the boundaries of the following cities, towns and areas: Babbitt, Battle Mountain, Caliente, Carlin, East Ely, Elko, Ely, Fallon, Fernley, Gabbs, Gardnerville, Gardnerville Ranchos, Genoa, Hawthorne, Johnson Lane, Lovelock, McGill, Minden, Tonopah, Topaz Ranch Estates, Virginia City, Weed Heights, Wells, Winnemucca and Yerington; and on the Nevada side of the Tahoe Basin, in Carson City and in those portions of Douglas and Lyon counties that are within 1 mile of the Carson City line.

(e) Of small wood fires for recreational, educational, ceremonial, heating or cooking purposes.

3. All open burning must be attended and controlled at all times to eliminate fire hazards.

[Environmental Comm'n, Air Quality Reg. Art. 5, eff. 11-7-75; A 5-8-77]—(Substituted in revision for NAC 445B.381)

NAC 445B.2207 Incinerator burning.

1. Except as provided in subsection 6:

(a) Burning in any incinerator other than the multiple chamber type or as approved by the director is prohibited.

(b) Incinerator burning which produces, for periods totaling 1 minute in 1 hour, a visible emission which is of an opacity equal to or greater than 20 percent is prohibited.

2. Incinerators used for the burning of pathological wastes, wet garbage or high moisture content material must be high temperature types with either grate or solid hearth construction, drying shelves for wet wastes, and an auxiliary heating unit to ensure temperatures of 1400°F (760°C) for not less than 0.3 of a second. The hearth must be frequently cleaned at regular intervals to prevent buildup of residues and deposits.

3. The rated burning capacity, operating and maintenance procedures approved by the director must be posted conspicuously at or near the incinerator.

4. Allowable PM_{10} emissions from incinerators of less than 2,000 lb per hour rated burning capacity may not exceed 1.8 lb/ton of dry refuse charged.

5. Allowable PM_{10} emissions from incinerators equal to or greater than 2,000 lb per hour burning capacity must be calculated using the following equation:

$$E = 0.6\ (40.7 \times 10^{-5} C)$$

For the purposes of this subsection, "E" means the maximum allowable rate of emission of PM_{10} in pounds per hour and "C" means the rate of charge of dry refuse in pounds per hour.

6. Single chamber incinerators at single-family residences, in all areas of the state, except in and within 1 mile of the boundaries of the following cities, towns and areas: Babbitt, Battle Mountain, Caliente, Carlin, East Ely, Elko, Ely, Fallon, Fernley, Gabbs, Gardnerville, Gardnerville Ranchos, Genoa, Hawthorne, Johnson Lane, Lovelock, McGill, Minden, Tonopah, Topaz Ranch Estates, Virginia City, Weed Heights, Wells, Winnemucca and Yerington; and on the Nevada side of the Tahoe Basin, in Carson City and in those portions of Douglas and Lyon counties that are within 1 mile of the Carson City line, unless otherwise prohibited by local ordinances or regulations, are exempt from the provisions of this section.

[Environmental Comm'n, Air Quality Reg. §§ 6.1 & 6.2, eff. 11-7-75; § 6.3, eff. 11-7-75; A 3-31-77; §§ 6.4-6.6.2, eff. 11-7-75]—(NAC A 9-19-90; 12-26-91)—(Substituted in revision for NAC 445B.382)

NAC 445B.22073 Municipal solid waste landfills. (NRS 445B.210)

1. Except as otherwise provided in subsections 2 and 3, a municipal solid waste landfill must:

(a) Install a system designed to collect and control the emission of nonmethane organic compounds not later than 30 months after the date on which the rate of emission of nonmethane organic compounds by the municipal solid waste landfill is equal to or greater than 55.125 tons per year. The system designed to collect and control the emission of nonmethane organic compounds must meet the requirements set forth in 40 C.F.R. § 60.752(b)(2)(ii) and must have:

(1) A flare designed and operated pursuant to 40 C.F.R. § 60.18;

(2) An enclosed combustor designed and operated to reduce the concentration of nonmethane organic compounds at the outlet to no more than 20 parts per million as hexane by volume, dry basis at 3 percent oxygen; or

(3) A system of emission control designed and operated to reduce the emission of nonmethane organic compounds by 98 weight percent.

(b) Comply with the requirements set forth in 40 C.F.R. § 60.753, 40 C.F.R. § 60.755 and
40 C.F.R. § 60.756.

(c) Maintain records and submit reports pursuant to 40 C.F.R. § 60.757 and 40 C.F.R. § 60.758, as applicable, except as otherwise provided in 40 C.F.R. § 60.24.

2. A municipal solid waste landfill is exempt from the provisions of subsection 1 if the municipal solid waste landfill is not and was not the site of construction, reconstruction or modification that commenced before May 30, 1991.

3. A municipal solid waste landfill is exempt from the provisions of paragraphs (a) and (b) of subsection 1 if the municipal solid waste landfill:

(a) Did not accept waste on or after November 8, 1987, and has a design capacity that does not allow for a deposit of waste in the future;

(b) Has a design capacity less than 2.756 million tons if the design capacity is calculated in tons, less than 3.27 million cubic yards if the design capacity is calculated in cubic yards, or less than 2.756 million tons and 3.27 million cubic yards if the design capacity is calculated in both tons and cubic yards; or

(c) Has a rate of emission of nonmethane organic compounds that is less than 55.125 tons per year.

4. For the purposes of this section:

(a) The design capacity of a municipal solid waste landfill may be calculated solely in either tons or cubic yards. A conversion of density, if any, must be documented and included with the calculation of design capacity.

(b) The rate of emission of nonmethane organic compounds must be calculated pursuant to 40 C.F.R. § 60.754, as applicable.

5. As used in this section:

(a) "Design capacity" has the meaning ascribed to it in 40 C.F.R. § 60.751.

(b) "Enclosed combuster" has the meaning ascribed to it in 40 C.F.R. § 60.751.

(c) "Flare" has the meaning ascribed to it in 40 C.F.R. § 60.751.

(d) "Municipal solid waste landfill" has the meaning ascribed to it in 40 C.F.R. § 60.31c.

(Added to NAC by Environmental Comm'n by R204-97, eff. 3-5-98; A by R022-99, 9-27-99)—(Substituted in revision for NAC 445B.383)

NAC 445B.22077 Compliance with regulations. Any portion of any affected facility not listed in NAC 445B.2208 must comply with the remaining portions of NAC 445B.001 to 445B.3497, inclusive.

[Environmental Comm'n, Air Quality Reg. Art. 16, eff. 12-4-76]—(NAC A 3-17-86; 10-18-88; 12-26-91)—(Substituted in revision for NAC 445B.384)

NAC 445B.2208 Emission of hydrogen sulfide from certain facilities for generating electricity from geothermal brine. The emission of hydrogen sulfide from the facilities for generating electricity from geothermal brine at the Oxbow Geothermal Corporation's geothermal power plant in Air Quality Control Region 147, Basin 128, Dixie Valley, may not exceed 249 short tons (225.9 metric tons) per year.

(Added to NAC by Environmental Comm'n, eff. 10-18-88)—(Substituted in revision for NAC 445B.387)

NAC 445B.22083 Construction, major modification or relocation of plants to generate electricity using steam produced by burning of fossil fuels.

1. Except as otherwise provided in subsections 2 and 3, a person shall not make a major modification to an existing plant or construct a new plant to generate electricity using steam produced by the burning of fossil fuels within:

(a) The Las Vegas Valley, Hydrographic Area 212;

(b) The El Dorado Valley, Hydrographic Area 167;

(c) The Ivanpah Valley, Hydrographic Areas 164 a and 164 b; or

(d) The city limits of Boulder City.

2. Fossil fuel-fired power generating units Numbers 1, 2 and 3 at Clark Station and fossil fuel-fired power generating unit Number 1 at Sunrise Station may be relocated to the Ivanpah Valley and retain their operating permits if the emission units that are relocated use the best available control technology.

3. If an emission unit is relocated to Ivanpah Valley:

(a) The previously used emission unit must be deactivated and removed from the previous site when the relocated unit begins operation.

(b) Any credit for reduced emission is not available as an offset credit.

4. As used in this section, "major modification" has the meaning ascribed to it in 40 C.F.R. § 51.165, as incorporated by reference in NAC 445B.221.

(Added to NAC by Environmental Comm'n, eff. 9-4-92; A 3-29-94)—(Substituted in revision for NAC 445B.389)

NAC 445B.22087 Odors.

1. No person may discharge or cause to be discharged, from any stationary source, any material or regulated air pollutant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property.

2. The director shall investigate an odor when 30 percent or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy. The sample must be at least 20 people or 75 percent of those exposed if fewer than 20 people are exposed.

3. The director shall deem the odor to be a violation if he is able to make two odor measurements within a period of 1 hour. These measurements must be separated by at least 15 minutes. An odor measurement consists of a detectable odor after the odorous air has been diluted with eight or more volumes of odor-free air.

[Environmental Comm'n, Air Quality Reg. §§ 10.1.1-10.1.3, eff. 11-7-75]—(NAC A 10-30-95)—(Substituted in revision for NAC 445B.393)

NAC 445B.2209 Reduction of animal matter.

1. The operation of any machine, equipment or other contrivance for the reduction of animal matter is prohibited unless all gases, vapors and gas-entrained effluents are:

(a) Incinerated at temperatures of not less than 1400°F (760°C) for not less than 0.3 second; or

(b) Processed in a manner determined by the director to be equally efficient.

2. This section does not apply to any machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

[Environmental Comm'n, Air Quality Reg. §§ 10.2.1-10.2.2, eff. 11-7-75]—(Substituted in revision for NAC 445B.394)

NAC 445B.22093 Organic solvents and other volatile compounds.

1. Solvents or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizers and manure must be processed, stored, used and transported in such a manner and by such means as to minimize the tendency to evaporate, leak, escape or be otherwise discharged into the ambient air causing or contributing to air pollution. If methods of control are available and feasible effectively to reduce the contribution to air pollution from evaporation, leakage or discharge, as determined by the director, the installation and use of such methods, devices or equipment for control is mandatory.

2. No person may place, store or hold in any new reservoir, stationary tank or other container with a capacity equal to or greater than 40,000 gallons (150 kiloliters) any gasoline, petroleum distillate, or volatile organic compound having a vapor pressure of 1.5 lb/square inch absolute (1,055 kg/square meter) or greater under actual storage conditions unless the tank, reservoir or other container is a pressure tank maintaining working pressure sufficient at all times to prevent loss of vapor or gas to the atmosphere or is equipped with one of the following devices properly installed, in good working order, and in operation:

(a) A floating roof which consists of a pontoon type or double-deck roof which rests on the surface of the liquid contents and is equipped with a seal to close the space between the roof eave and tank wall or a vapor balloon or a vapor dome designed in

accordance with accepted standards of the petroleum industry. This control equipment is not permitted if the gasoline or petroleum distillate has a vapor pressure of 11 lb/square inch absolute (7,734 kg/square meter) or greater under actual conditions. All gauging and sampling devices for tanks must be gastight except when gauging or sampling is taking place.

(b) Other equipment proven to be of equal efficiency for preventing discharge of gases and vapors to the atmosphere.

3. Any tank for the storage of any other petroleum or volatile organic compound which is constructed or extensively remodeled on or after November 7, 1975, must be equipped with a submerged fill pipe or the equivalent, as approved by the director, for the control of emissions.

4. All facilities for dock loading of products consisting of petroleum or other volatile organic compounds having a vapor pressure of 1.5 lb/square inch absolute (1,055 kg/square meter) or greater at loading pressure must have facilities for submerged filling by a submerged fill pipe or an acceptable equivalent, for the control of emissions.

[Environmental Comm'n, Air Quality Reg. Art. 9, eff. 11-7-75]—(NAC A 10-19-83)—(Substituted in revision for NAC 445B.395)

NAC 445B.22097 Standards of quality for ambient air. (NRS 445B.210, 445B.300)

1. The table contained in this section lists the minimum standards of quality for ambient air.

		NEVADA STANDARDS[A]		NATIONAL STANDARDS[B]		
POLLUTANT	AVERAGING TIME	CONCENTRATION	METHOD[D]	PRIMARY[C, E]	SECONDARY[C, F]	METHOD[D]
Ozone	1 hour	0.12 ppm (235 μg/m^3)	Chemiluminescence	0.12 ppm (235 μg/m^3)	Same as primary	Chemiluminescence
Ozone-Lake Tahoe Basin, #90	1 hour	0.10 ppm (195 μg/m^3)	Chemiluminescence	--	--	--
Carbon monoxide less than 5,000′ above mean sea level	8 hours	9 ppm (10,000 μg/m^3)	Nondispersive infrared photometry	9 ppm (10,000 μg/m^3)	None	Nondispersive infrared photometry
At or greater than 5,000′ above mean sea level		6 ppm (6,670 μg/m^3)				
Carbon monoxide at any elevation	1 hour	35 ppm (40,000 μg/m^3)		35 ppm (40,000 μg/m^3)		
Nitrogen dioxide	Annual arithmetic Mean	0.053 ppm (100 μg/m^3)	Gas phase chemiluminescence	0.053 ppm (100 μg/m^3)	Same as primary	Gas phase chemiluminescence
Sulfur dioxide	Annual arithmetic mean	0.03 ppm (80 μg/m^3)	Ultraviolet fluorescence	0.03 ppm (80 μg/m^3)	None	Pararosaniline method
	24 hours	0.14 ppm (365 μg/m^3)		0.14 ppm (365 μg/m^3)		
	3 hours	0.5 ppm (1,300 μg/m^3)		None	0.5 ppm (1,300 μg/m^3)	
Particulate matter as PM_{10}[C]	Annual arithmetic mean	50 μg/m^3	High volume PM_{10} sampling	50 μg/m^3	Same as primary	High volume PM_{10} sampling
	24 hours	150 μg/m^3		150 μg/m^3		
Lead (Pb)	Quarterly arithmetic Mean	1.5 μg/m^3	High volume sampling, acid extraction and atomic absorption spectrometry	1.5 μg/m^3	Same as primary	High volume sampling, acid extraction and atomic absorption spectrometry
Visibility	Observation	In sufficient amount to reduce the prevailing visibility[G] to less than 30 miles when humidity is less than 70%	Observer or camera	--	--	--
Hydrogen sulfide	1 hour	0.08 ppm (112 μg/m^3)[H]	Cadmium hydroxide stractan method	--	--	--

Notes:

Note A: These standards must not be exceeded in areas where the general public has access.
Note B: These standards, other than for ozone, particulate matter, and those based on annual averages, must not be exceeded more than once per year. The 1-hour ozone standard is attained when the expected number of days per calendar year with a maximum hourly average concentration above the standard is equal to or less than one. The PM_{10} 24-hour standard is attained when the expected number of days per calendar year with a 24-hour average concentration above the standard, rounded to the nearest 10 $\mu g/m^3$, is equal to or less than one. The expected number of days per calendar year is generally based on an average of the number of times the standard has been exceeded per year for the last 3 years.
Note C: Where applicable, concentration is expressed first in units in which it was adopted. All measurements of air quality that are expressed as mass per unit volume, such as micrograms per cubic meter, must be corrected to a reference temperature of 25°C and a reference pressure of 760 mm of Hg (1,013.2 millibars); ppm in this table refers to ppm by volume, or micromoles of regulated air pollutant per mole of gas.
Note D: Any reference method specified in accordance with 40 C.F.R. Part 50 or any reference method or equivalent method designated in accordance with 40 C.F.R. Part 53 may be substituted.
Note E: National primary standards are the levels of air quality necessary, with an adequate margin of safety, to protect the public health.
Note F: National secondary standards are the levels of air quality necessary to protect the public welfare from any known or anticipated adverse effects of a regulated air pollutant.
Note G: For the purposes of this section, prevailing visibility means the greatest visibility which is attained or surpassed around at least half of the horizon circle, but not necessarily in continuous sectors.
Note H: The ambient air quality standard for hydrogen sulfide does not include naturally occurring background concentrations.

2. All values are corrected to reference conditions.
3. As used in this section:
(a) "$\mu g/m^3$" means micrograms per cubic meter.
(b) "ppm" means part per million by volume.
4. These standards of quality for ambient air are minimum goals, and it is the intent of the commission in this section to protect the existing quality of Nevada's air to the extent that it is economically and technically feasible.

[Environmental Comm'n, Air Quality Reg. §§ 12.1-12.1.6, eff. 11-7-75; A and renumbered as § 12.1, 12-4-76; A 12-15-77; 8-28-79; §§ 12.2-12.4, eff. 11-7-75; § 12.5, eff. 12-4-76; A 8-28-79]—(NAC A 10-19-83; 9-5-84; 12-26-91; 10-30-95; R103-02, 12-17-2002)

NAC 445B.221 Adoption by reference of provisions of federal law and regulations. (NRS 445B.210, 445B.300)

1. Title 40 C.F.R. §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, 51.100(nn), 51.165 and 52.21, and Appendix S and Appendix W of Title 40 C.F.R. Part 51 are hereby adopted by reference as they existed on July 1, 2000.
2. The following subparts of Title 40 C.F.R. Part 60 are hereby adopted by reference as they existed on July 1, 2000:
(a) Subpart A, General Provisions.
(b) Subpart C, Emission Guidelines and Compliance Times.
(c) Subpart Cb, Emissions Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed On or Before September 20, 1994.

(d) Subpart Cc, Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills.

(e) Subpart Cd, Emission Guidelines and Compliance Times for Sulfuric Acid Production Units.

(f) Subpart Ce, Emission Guidelines for Hospital/Medical/Infectious Waste Incinerator.

(g) Subpart D, Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971.

(h) Subpart Da, Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978.

(i) Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.

(j) Subpart Dc, Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.

(k) Subpart E, Standards of Performance for Incinerators.

(l) Subpart Ea, Standards of Performance for Municipal Waste Combustors for Which Construction is Commenced After December 20, 1989, and On or Before September 20, 1994.

(m) Subpart Eb, Standards of Performance for Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced After June 19, 1996.

(n) Subpart Ec, Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996.

(o) Subpart F, Standards of Performance for Portland Cement Plants.

(p) Subpart G, Standards of Performance for Nitric Acid Plants.

(q) Subpart H, Standards of Performance for Sulfuric Acid Plants.

(r) Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.

(s) Subpart J, Standards of Performance for Petroleum Refineries.

(t) Subpart K, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.

(u) Subpart Ka, Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.

(v) Subpart Kb, Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.

(w) Subpart L, Standards of Performance for Secondary Lead Smelters.

(x) Subpart M, Standards of Performance for Secondary Brass and Bronze Production Plants.

(y) Subpart N, Standards of Performance for Primary Emissions from Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973.

(z) Subpart Na, Standards of Performance for Secondary Emissions from Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983.

(aa) Subpart O, Standards of Performance for Sewage Treatment Plants.

(bb) Subpart P, Standards of Performance for Primary Copper Smelters.

(cc) Subpart Q, Standards of Performance for Primary Zinc Smelters.

(dd) Subpart R, Standards of Performance for Primary Lead Smelters.

(ee) Subpart S, Standards of Performance for Primary Aluminum Reduction Plants.

(ff) Subpart T, Standards of Performance for the Phosphate Fertilizer Industry: Wet-Process Phosphoric Acid Plants.

(gg) Subpart U, Standards of Performance for the Phosphate Fertilizer Industry: Superphosphoric Acid Plants.

(hh) Subpart V, Standards of Performance for the Phosphate Fertilizer Industry: Diammonium Phosphate Plants.

(ii) Subpart W, Standards of Performance for the Phosphate Fertilizer Industry: Triple Superphosphate Plants.

(jj) Subpart X, Standards of Performance for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities.

(kk) Subpart Y, Standards of Performance for Coal Preparation Plants.

(ll) Subpart Z, Standards of Performance for Ferroalloy Production Facilities.

(mm) Subpart AA, Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and On or Before August 17, 1983.

(nn) Subpart AAa, Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983.

(oo) Subpart BB, Standards of Performance for Kraft Pulp Mills.

(pp) Subpart CC, Standards of Performance for Glass Manufacturing Plants.

(qq) Subpart DD, Standards of Performance for Grain Elevators.

(rr) Subpart EE, Standards of Performance for Surface Coating of Metal Furniture.

(ss) Subpart GG, Standards of Performance for Stationary Gas Turbines.

(tt) Subpart HH, Standards of Performance for Lime Manufacturing Plants.

(uu) Subpart KK, Standards of Performance for Lead-Acid Battery Manufacturing Plants.

(vv) Subpart LL, Standards of Performance for Metallic Mineral Processing Plants.

(ww) Subpart MM, Standards of Performance for Automobile and Light Duty Truck Surface Coating Operations.

(xx) Subpart NN, Standards of Performance for Phosphate Rock Plants.

(yy) Subpart PP, Standards of Performance for Ammonium Sulfate Manufacture.

(zz) Subpart QQ, Standards of Performance for the Graphic Arts Industry: Publication Rotogravure Printing.

(aaa) Subpart RR, Standards of Performance for Pressure Sensitive Tape and Label Surface Coating Operations.

(bbb) Subpart SS, Standards of Performance for Industrial Surface Coating: Large Appliances.

(ccc) Subpart TT, Standards of Performance for Metal Coil Surface Coating.

(ddd) Subpart UU, Standards of Performance for Asphalt Processing and Asphalt Roofing Manufacture.

(eee) Subpart VV, Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.

(fff) Subpart WW, Standards of Performance for the Beverage Can Surface Coating Industry.

(ggg) Subpart XX, Standards of Performance for Bulk Gasoline Terminals.

(hhh) Subpart AAA, Standards of Performance for New Residential Wood Heaters.

(iii) Subpart BBB, Standards of Performance for Rubber Tire Manufacturing Industry.

(jjj) Subpart DDD, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.

(kkk) Subpart FFF, Standards of Performance for Flexible Vinyl and Urethane Coating and Printing.

(lll) Subpart GGG, Standards of Performance for Equipment Leaks of VOC in Petroleum Refineries.

(mmm) Subpart HHH, Standards of Performance for Synthetic Fiber Production Facilities.

(nnn) Subpart III, Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Air Oxidation Unit Processes.

(ooo) Subpart JJJ, Standards of Performance for Petroleum Dry Cleaners.

(ppp) Subpart KKK, Standards of Performance for Equipment Leaks of VOC from Onshore Natural Gas Processing Plants.

(qqq) Subpart LLL, Standards of Performance for Onshore Natural Gas Processing: SO_2 Emissions.

(rrr) Subpart NNN, Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

(sss) Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

(ttt) Subpart PPP, Standards of Performance for Wool Fiberglass Insulation Manufacturing Plants.

(uuu) Subpart QQQ, Standards of Performance for Volatile Organic Compound (VOC) Emissions from Petroleum Refinery Wastewater Systems.

(vvv) Subpart RRR, Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.

(www) Subpart SSS, Standards of Performance for Magnetic Tape Coating Facilities.

(xxx) Subpart TTT, Standards of Performance for Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines.

(yyy) Subpart UUU, Standards of Performance for Calciners and Dryers in Mineral Industries.

(zzz) Subpart VVV, Standards of Performance for Polymeric Coating of Supporting Substrates Facilities.

(aaaa) Subpart WWW, Standards of Performance for Municipal Solid Waste Landfills.

3. The following subparts of Title 40 C.F.R. Part 61 are hereby adopted by reference as they existed on July 1, 2000:

(a) Subpart A, General Provisions.

(b) Subpart B, National Emission Standards for Radon Emissions from Underground Uranium Mines.

(c) Subpart C, National Emission Standard for Beryllium.

(d) Subpart D, National Emission Standard for Beryllium Rocket Motor Firing.

(e) Subpart E, National Emission Standard for Mercury.

(f) Subpart F, National Emission Standard for Vinyl Chloride.

(g) Subpart H, National Emission Standards for Emissions of Radionuclides Other than Radon from Department of Energy Facilities.

(h) Subpart I, National Emission Standards for Radionuclide Emissions from Federal Facilities other than Nuclear Regulatory Commission Licensees and not Covered by Subpart H.

(i) Subpart J, National Emission Standards for Equipment Leaks (Fugitive Emission Sources) of Benzene.

(j) Subpart K, National Emission Standards for Radionuclide Emissions from Elemental Phosphorus Plants.

(k) Subpart L, National Emission Standards for Benzene Emissions from Coke By-Product Recovery Plants.

(l) Subpart M, National Emission Standards for Asbestos.

(m) Subpart N, National Emission Standards for Inorganic Arsenic Emissions from Glass Manufacturing Plants.

(n) Subpart O, National Emission Standards for Inorganic Arsenic Emissions from Primary Copper Smelters.

(o) Subpart P, National Emission Standards for Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities.

(p) Subpart Q, National Emission Standards for Radon Emissions from Department of Energy Facilities.

(q) Subpart R, National Emission Standards for Radon Emissions from Phosphogypsum Stacks.

(r) Subpart T, National Emission Standards for Radon Emissions from the Disposal of Uranium Mill Tailings.

(s) Subpart V, National Emission Standards for Equipment Leaks (Fugitive Emission Sources).

(t) Subpart W, National Emission Standards for Radon Emissions from Operating Mill Tailings.

(u) Subpart Y, National Emission Standards for Benzene Storage Vessels.

(v) Subpart BB, National Emission Standard for Benzene Emissions from Benzene Transfer Operations.

(w) Subpart FF, National Emission Standard for Benzene Waste Operations.

4. The following subparts of Title 40 C.F.R. Part 63 are hereby adopted by reference as they existed on July 1, 2000:

(a) Subpart A, General Provisions.

(b) Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j).

(c) Subpart F, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry.

(d) Subpart G, National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations and Wastewater.

(e) Subpart H, National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.

(f) Subpart I, National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks.

(g) Subpart L, National Emission Standards for Coke Oven Batteries.

(h) Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.

(i) Subpart N, National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks.

(j) Subpart O, Ethylene Oxide Emissions Standards for Sterilization Facilities.

(k) Subpart Q, National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.

(l) Subpart R, National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations).

(m) Subpart S, National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry.

(n) Subpart T, National Emission Standards for Halogenated Solvent Cleaning.

(o) Subpart U, National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins.

(p) Subpart W, National Emission Standards for Hazardous Air Pollutants for Epoxy Resin Production and Non-Nylon Polyamides Production.

(q) Subpart X, National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.

(r) Subpart Y, National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading Operations.

(s) Subpart AA, National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants.

(t) Subpart BB, National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants.

(u) Subpart CC, National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries.

(v) Subpart DD, National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations.

(w) Subpart EE, National Emission Standards for Hazardous Air Pollutants for Magnetic Tape Manufacturing Operations.

(x) Subpart GG, National Emission Standards for Hazardous Air Pollutants for Aerospace Manufacturing and Rework Facilities.

(y) Subpart HH, National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities.

(z) Subpart II, National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating).

(aa) Subpart JJ, National Emission Standards for Wood Furniture Manufacturing Operations.

(bb) Subpart KK, National Emission Standards for the Printing and Publishing Industry.

(cc) Subpart LL, National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants.

(dd) Subpart OO, National Emission Standards for Tanks - Level 1.

(ee) Subpart PP, National Emission Standards for Containers.

(ff) Subpart QQ, National Emission Standards for Surface Impoundments.

(gg) Subpart RR, National Emission Standards for Individual Drain Systems.

(hh) Subpart SS, National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process.

(ii) Subpart TT, National Emission Standards for Equipment Leaks – Control Level 1.

(jj) Subpart UU, National Emission Standards for Equipment Leaks – Control Level 2 Standards.

(kk) Subpart VV, National Emission Standards for Oil-Water Separators and Organic-Water Separators.

(ll) Subpart WW, National Emission Standards for Storage Vessels (Tanks) – Control Level 2.

(mm) Subpart YY, National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards.

(nn) Subpart CCC, National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants.

(oo) Subpart DDD, National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production.

(pp) Subpart EEE, National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.

(qq) Subpart GGG, National Emission Standards for Pharmaceuticals Production.

(rr) Subpart HHH, National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities.

(ss) Subpart III, National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production.

(tt) Subpart JJJ, National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins.

(uu) Subpart LLL, National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry.

(vv) Subpart MMM, National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production.

(ww) Subpart NNN, National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing.

(xx) Subpart OOO, National Emission Standards for Hazardous Air Pollutants Emissions: Manufacture of Amino/Phenolic Resins.

5. Title 40 C.F.R. Part 72 is hereby adopted by reference as it existed on July 1, 2000. If the provisions of 40 C.F.R. Part 72 conflict with or are not included in NAC 445B.001 to 445B.3497, inclusive, the provisions of 40 C.F.R. Part 72 apply.

6. Title 40 C.F.R. Part 76 is hereby adopted by reference as it existed on July 1, 2000. If the provisions of 40 C.F.R. Part 76 conflict with or are not included in NAC 445B.001 to 445B.3497, inclusive, the provisions of 40 C.F.R. Part 76 apply.

7. Title 42 of the United States Code, section 7412(b), List of Hazardous Air Pollutants, and the amendments to section 7412 contained in 40 C.F.R. Part 63, Subpart C, are hereby adopted by reference as they existed on July 1, 2000.

8. The *Standard Industrial Classification Manual*, 1987 edition, published by the United States Office of Management and Budget, is hereby adopted by reference. A copy of the manual may be obtained from the Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954, for the price of $38.

9. A copy of the publications which contain these provisions may be obtained from the:

(a) Superintendent of Documents, P.O. Box 371954, Pittsburgh, Pennsylvania 15250-7954. The price is:

(1) For the volume containing §§ 51.100(s), 51.100(hh) to 51.100(kk), inclusive, 51.100(nn) and 51.165 and Appendices S and W of Part 51 ..... $38
(2) For § 52.21 50
(3) For Part 60 (Sections 60.1 to end) 53
(4) For Part 60 (Appendices) 51
(5) For Parts 61 - 62 38
(6) For Part 63 (Sections 63.1 to 63.599) 53
(7) For Part 63 (Sections 63.600 to 63.1199) 44
(8) For the volume containing Parts 72 and 76 55

(b) Division of state library and archives of the department of cultural affairs for 15 cents per page.

10. For the purposes of the provisions of Parts 60, 61 and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section, the director may not approve alternate or equivalent test methods or alternative standards or work practices.

11. Except as otherwise provided in subsections 5 and 6, the provisions adopted by reference in this section supersede the requirements of NAC 445B.001 to 445B.3497, inclusive, for all stationary sources subject to the provisions adopted by reference only if those requirements adopted by reference are more stringent.

12. For the purposes of this section, "administrator" as used in the provisions of Parts 60, 61 and 63, Chapter I, Title 40, Code of Federal Regulations adopted pursuant to this section means the director.

(Added to NAC by Environmental Comm'n, eff. 10-19-83; A 12-5-84; 10-15-85; 8-22-86; 10-22-87; 10-18-88; 9-19-90; 9-4-92; 10-29-93; 12-13-93; 3-29-94; 10-30-95; R105-97, 3-5-98; R126-98, 11-2-98; R022-99, 9-27-99; R103-02, 12-17-2002)

NAC 445B.224 Public and confidential information. (NRS 445B.210)

1. The director shall maintain all public information obtained in the course of the performance of the duties set forth in NRS 445B.100 to 445B.845, inclusive, at 333 West Nye Lane, Carson City, Nevada 89706-0851.

2. The content of an operating permit is public information and cannot be certified as confidential information.

3. Information concerning the emission of a regulated air pollutant which has an ambient air quality standard or emission standard or has been designated as a hazardous air pollutant by the EPA cannot be certified as being confidential.

4. An owner or operator who submits information under a claim of confidentiality shall submit:

(a) One copy of the information to the director; and

(b) One copy of the information to the Administrator.

[Environmental Comm'n, Air Quality Reg. §§ 2.7.1 & 2.7.2, eff. 11-7-75]—(NAC A 12-13-93; 10-30-95; R105-97, 3-5-98)

NAC 445B.225 Prohibited conduct: Concealment of emissions. No person may install, construct or use any device which conceals any emission without reducing the total release of regulated air pollutants to the atmosphere.

[Environmental Comm'n, Air Quality Reg. § 2.2.1, eff. 11-7-75]—(NAC A 10-22-87; 10-30-95)

NAC 445B.227 Prohibited conduct: Operation of source without required equipment; removal or modification of required equipment; modification of required procedure. Except as otherwise provided in NAC 445B.001 to 445B.3497, inclusive, no person may:

1. Operate a stationary source of air pollution unless the control equipment for air pollution which is required by applicable requirements or conditions of the permit is installed and operating.

2. Disconnect, alter, modify or remove any of the control equipment for air pollution or modify any procedure required by an applicable requirement or condition of the permit.

[Environmental Comm'n, Air Quality Reg. § 2.2.2, eff. 12-15-77]—(NAC A 10-14-82; 10-15-85; 8-22-86; 10-22-87; 3-29-94, eff. 1-11-96; 10-30-95)

NAC 445B.229 Hazardous emissions: Order for reduction or discontinuance. Without limiting the authority of any state officer to declare or to act on an emergency, the director or local air pollution control agency, upon determining that a generalized condition of air pollution exists or that the emission from one or more stationary sources of regulated air pollutants is causing a danger to human health or safety, may order persons causing or contributing to the air pollution to immediately reduce or discontinue all emission of contaminants.

[Environmental Comm'n, Air Quality Reg. § 2.4.1, eff. 11-7-75]—(NAC A 10-30-95)

NAC 445B.230 Plan for reduction of emissions.

1. Any person who is able to cause or permit the emission of 100 tons (90.7 metric tons) or more per year of a regulated air pollutant from a stationary source shall prepare and submit to the director a plan for reducing or eliminating that emission in accordance with the episode stages of alert, warning, and emergency as defined in the air quality plan for the State of Nevada.

2. Any person required to have an operating permit who is able to cause or permit the emission of less than 100 tons (90.7 metric tons) per year of a regulated air pollutant shall, upon written notice from the director, prepare and submit to the director a plan for reducing or eliminating that emission in accordance with the episode stages of alert, warning, and emergency as defined in the air quality plan for the State of Nevada.

3. The written notice required under subsection 2 must be transmitted in accordance with subsection 3 of NAC 445B.275 to all persons who are within the same classification of sources as defined in the *Standard Industrial Classification Manual*, 1987, and who are able to cause or permit the emission of less than 100 tons (90.7 metric tons) per year of a regulated air pollutant.

[Environmental Comm'n, Air Quality Reg. §§ 2.4.2-2.4.4, eff. 11-7-75]—(NAC A 10-30-95)

NAC 445B.232 Excess emissions: Scheduled maintenance, testing or repairs; notification of director; malfunction, upset, start-up, shutdown or human error.

1. Scheduled maintenance or testing or scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3497, inclusive, must be approved by the director and performed during a time designated by the director as being favorable for atmospheric ventilation.

2. The director must be notified in writing of the time and expected duration at least 24 hours in advance of any scheduled maintenance which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3497, inclusive.

3. The director must be notified in writing or by telephone of the time and expected duration at least 24 hours in advance of any scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3497, inclusive.

4. The director must be notified of any excess emissions within 24 hours after any malfunction or upset of the process equipment or equipment for controlling pollution or during start-up or shutdown of such equipment. The telephone number for the notification is (775) 687-4670.

5. The owner or operator of an affected facility shall provide the director, within 15 days after any malfunction, upset, start-up, shutdown or human error which results in excess emissions, sufficient information to enable the director to determine the seriousness of the excess emissions. The information must include at least the following:

(a) The identity of the stack or other point of emission, or both, where the excess emissions occurred.

(b) The estimated magnitude of the excess emissions expressed in opacity or in the units of the applicable limitation on emission and the operating data and methods used in estimating the magnitude of the excess emissions.

(c) The time and duration of the excess emissions.

(d) The identity of the equipment causing the excess emissions.

(e) If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunction.

(f) The steps taken to limit the excess emissions.

(g) Documentation that the equipment for controlling air pollution, process equipment or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

[Environmental Comm'n, Air Quality Reg. §§ 2.5.1-2.5.3, eff. 11-7-75; A 8-28-79; § 2.5.4, eff. 11-7-75; §§ 2.5.4.1-2.5.4.7, eff. 8-28-79]—(NAC A 8-22-86; 9-19-90; 10-30-95)

NAC 445B.233 Excess emissions: Determination of violation.

1. The director shall determine from the submission of data and information required in subsection 5 of NAC 445B.232 or other information available to him that no violation occurred if:

(a) The excess emission was the result of a routine start-up or shutdown for purposes of controlling production;

(b) The amount and duration of the excess emissions were minimized to the extent practicable during the period of start-up or shutdown; and

(c) Any one of the following conditions existed:

(1) The effluent gas could not be passed through the equipment for controlling pollution without causing severe property damage.

(2) The effluent gas could not be passed through the equipment for controlling pollution without causing severe upset of the process.

(3) The excess emission was the result of igniter smoke which could not be controlled by the equipment for control used for normal operation.

2. If the owner or operator misrepresents facts or fails to disclose facts of which he had prior knowledge, the director shall deem that the period of excess emissions violates NAC 445B.001 to 445B.3497, inclusive.

3. Nothing in this section limits the obligation of the owner or operator of the stationary source to attain and maintain the standards for ambient air quality promulgated in NAC 445B.22097 or the authority of the director to institute actions under sections 113 and 303 of the Act or to exercise his authority under NRS 445B.100 to 445B.640, inclusive.

[Environmental Comm'n, Air Quality Reg. §§ 2.5.5-2.5.7, eff. 8-28-79]—(NAC A 7-2-84; 8-22-86; R 12-13-93, eff. 11-15-94; A 10-30-95)

NAC 445B.235 Construction or modification: Determination by director.

1. When requested to do so by an owner or operator, the director will make a determination of whether action taken or intended to be taken by the owner or operator constitutes construction, including reconstruction, or modification or the commencement thereof within the meaning of NAC 445B.236.

2. The director will respond to any request for a determination under subsection 1 within 30 days after receipt of the request.

[Environmental Comm'n, Air Quality Reg. §§ 2.13.1 & 2.13.2, eff. 12-4-76]—(NAC A 12-13-93)—(Substituted in revision for NAC 445.669)

NAC 445B.236 Construction or modification: Review of plans.

1. When requested to do so by an owner or operator, the director will review plans for construction or modification to provide technical advice to the owner or operator. A separate request must be submitted for each construction or modification project. Each request must identify the location of such projects and be accompanied by technical information describing the proposed nature, size, design and method of operation of each affected facility involved in the project, including information on any equipment to be used for measurement or control of emissions.

2. Neither a request for a review of plans nor advice furnished by the director in response to such request:

(a) Relieves an owner or operator of legal responsibility for compliance with any provision of NAC 445B.235 or this section, or of any applicable state or local requirement; or

(b) Prevents the director from carrying out or enforcing any provision of NAC 445B.235 or this section, or taking any other action authorized by the Act.

[Environmental Comm'n, Air Quality Reg. §§ 2.12.1-2.12.2.2, eff. 12-4-76]—(NAC A 12-13-93)—(Substituted in revision for NAC 445.670)

NAC 445B.239 Modification: Rate of emission.

1. The rate of emission must be expressed in pounds per hour of any regulated air pollutant discharged into the atmosphere for which a standard is applicable. The director shall use the following to determine the rate of emission:

(a) Factors of emission as specified in the latest issue of *Compilation of Air Pollutant Emission Factors*, EPA Publication No. AP-42, or other factors of emission determined by the director to be superior to those in that publication, in cases where the use of factors of emission demonstrates that the level of emission resulting from the physical or operational change will either clearly increase or clearly not increase; and

(b) Material balances, data from continuous monitors, or manual tests for emission in cases where the use of factors of emission does not demonstrate to the director's satisfaction whether the level of emission resulting from the physical or operational change will either clearly increase or clearly not increase, or where an owner or operator demonstrates to the director's satisfaction that there are reasonable grounds to dispute the result obtained by the director using factors of emission.

2. When the rate of emission is based on results from manual tests for emission or systems for continuous observation, the procedures specified in Appendix C of 40 C.F.R. § 60 must be used to determine whether an increase in the rate of emission has occurred. Tests must be conducted under such conditions as the director specifies to the owner or operator based on the representative performance of the facility. At least three valid tests must be conducted before and at least three after the physical or operational change. All operating parameters which may affect emissions must be held constant to the maximum feasible degree for each running of a test.

[Environmental Comm'n, Air Quality Reg. §§ 2.14.2-2.14.2.2, eff. 12-4-76]—(NAC A 10-15-85; R 12-13-93, eff. 11-15-94; A 10-30-95)

NAC 445B.242 Modification: Alterations which are not considered modifications. (NRS 445B.210, 445B.300) The following are not by themselves considered modifications under NAC 445B.235 to 445B.250, inclusive:

1. Maintenance, repair and replacement which the director determines to be routine for a source category, subject to NAC 445B.247.
2. An increase in the production rate of an existing facility, if that increase can be accomplished without a capital expenditure on the stationary source containing that facility, unless the change would be prohibited by an enforceable restriction on the permit.
3. An increase in the hours of operation, unless the change would be prohibited by an enforceable restriction on the permit.
4. Use of an alternative fuel or raw material if, before the date any standard under NAC 445B.235 to 445B.250, inclusive, becomes applicable to that source type, the existing facility was designed to accommodate that alternative use. A facility is considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications, as amended, before the change. Conversion to coal required for energy considerations, as specified in section 119(d)(5) of the Act, is not considered a modification.
5. The addition or use of any system or device whose primary function is the reduction of regulated air pollutants, except when an emission control system is removed or is replaced by a system which the director determines to be less environmentally beneficial.
6. The relocation or change in ownership of an existing facility.

[Environmental Comm'n, Air Quality Reg. §§ 2.14.5-2.14.5.6, eff. 12-4-76]—(NAC A 9-19-90; R 12-13-93, eff. 11-15-94; A 10-30-95; R105-97, 3-5-98)

NAC 445B.247 Reconstruction: Notice of replacement of components.

1. As used in NAC 445B.248 and 445B.250 and this section:

(a) "Reconstruction" means the replacement of components of an existing facility to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct an entirely new comparable facility; and

(2) It is technologically and economically feasible to meet the applicable standards set forth in NAC 445B.248 and 445B.250 and this section.

(b) "Fixed capital cost" means the capital needed to provide all the depreciable components.

2. An existing facility, upon reconstruction, becomes an affected facility, irrespective of any change in emission rate. If an owner or operator of an existing facility proposes to replace components and the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct an entirely new comparable facility, he shall notify the director of the proposed replacements. The notice must be postmarked 60 days or as soon as practicable before construction of the replacements is commenced and must include the following information:

(a) Name and address of the owner or operator.
(b) The location of the existing facility.
(c) A brief description of the existing facility and the components which are to be replaced.
(d) A description of the existing air pollution control equipment and the proposed air pollution control equipment.
(e) An estimate of the fixed capital cost of the replacements and of constructing an entirely new comparable facility.
(f) The estimated life of the existing facility after the replacements.
(g) A discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.
[Environmental Comm'n, Air Quality Reg. §§ 2.15.1-2.15.4.7, eff. 12-4-76]—(NAC R 12-13-93, eff. 11-15-94; A 10-30-95)—(Substituted in revision for NAC 445.679)

NAC 445B.248 Reconstruction: Determination of whether replacement constitutes reconstruction.
1. The director will determine, within 30 days of the receipt of the notice required by subsection 2 of NAC 445B.247 and any additional information he may reasonably require, whether the proposed replacement constitutes reconstruction.
2. The director's determination under subsection 1 must be based on:
(a) The fixed capital cost of the replacements in comparison to the fixed capital cost that would be required to construct an entirely new comparable facility;
(b) The estimated life of the facility after the replacements compared to the life of an entirely new comparable facility;
(c) The extent to which the components being replaced cause or contribute to the emissions from the facility; and
(d) Any economic or technical limitations on compliance with applicable standards of performance which are inherent in the proposed replacements.
[Environmental Comm'n, Air Quality Reg. §§ 2.15.5-2.15.6.4, eff. 12-4-76]—(NAC R 12-13-93, eff. 11-15-94; A 10-30-95)—(Substituted in revision for NAC 445.680)

NAC 445B.250 Notification of planned construction or reconstruction. (NRS 445B.210, 445B.300) Any owner or operator subject to the provisions of NAC 445B.235 to 445B.250, inclusive, shall furnish the director written notification of:
1. The date that construction, or reconstruction as defined under NAC 445B.247, of an affected facility is commenced, postmarked no later than 30 days after such date. This requirement does not apply in the case of mass-produced facilities which are purchased in completed form.
2. The anticipated date of initial start-up of an affected facility, postmarked not more than 60 days nor less than 30 days before such date.
3. The actual date of initial start-up of an affected facility, postmarked within 15 days after such date.
4. Any physical or operational change to an existing facility which may increase the emission rate of any regulated air pollutant to which a standard applies, unless that change is specifically exempted under an applicable section or in NAC 445B.239 or 445B.242 and the exemption is not denied under those sections. The notice must be postmarked 60 days or as soon as practicable before the change is commenced and must include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The director may request additional relevant information subsequent to this notice.

5. The date upon which demonstration of the continuous monitoring system performance commences in accordance with NAC 445B.256 to 445B.267, inclusive. Notification must be postmarked not less than 30 days before such date.

[Environmental Comm'n, Air Quality Reg. §§ 2.16.1-2.16.1.5, eff. 12-4-76]—(NAC R 12-13-93, eff. 11-15-94; A 10-30-95; R105-97, 3-5-98)

NAC 445B.252 Testing and sampling.

1. To determine compliance with NAC 445B.001 to 445B.3497, inclusive, before the approval or the continuance of an operating permit or similar class of permits, the director may either conduct or order the owner of any stationary source to conduct or have conducted such testing and sampling as the director determines necessary. Testing and sampling or either of them must be conducted and the results submitted to the director within 60 days after achieving the maximum rate of production at which the affected facility will be operated, but not later than 180 days after initial start-up of the facility and at such other times as may be required by the director.

2. Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the director:

(a) Specifies or approves, in specific cases, the use of a method of reference with minor changes in methodology;

(b) Approves the use of an equivalent method;

(c) Approves the use of an alternative method, the results of which he has determined to be adequate for indicating whether a specific stationary source is in compliance; or

(d) Waives the requirement for tests of performance because the owner or operator of a stationary source has demonstrated by other means to the director's satisfaction that the affected facility is in compliance with the standard.

3. Tests of performance must be conducted under such conditions as the director specifies to the operator of the plant based on representative performance of the affected facility. The owner or operator shall make available to the director such records as may be necessary to determine the conditions of the test of performance. Operations during periods of start-up, shutdown and malfunction must not constitute representative conditions of a test of performance unless otherwise specified in the applicable standard.

4. The owner or operator of an affected facility shall give notice to the director 30 days before the test of performance to allow the director to have an observer present. A written testing procedure for the test of performance must be submitted to the director at least 30 days before the test of performance to allow the director to review the proposed testing procedures.

5. Each test of performance must consist of at least three separate runs using the applicable method for that test. Each run must be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions or other circumstances with less than three valid samples being obtained, compliance may be determined using the arithmetic mean of the results of the other two runs upon the director's approval.

6. All testing and sampling will be performed in accordance with recognized methods and as specified by the director.

7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power and other pertinent allied facilities as may be required and specified in writing by the director must be provided and paid for by the owner of the stationary source.

8. All information and analytical results of testing and sampling must be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations, and copies of these results must be provided to the director no later than 60 days after the testing or sampling, or both.

[Environmental Comm'n, Air Quality Reg. §§ 2.6.1-2.6.4, eff. 11-7-65; A 12-4-76; §§ 2.6.5-2.6.9, eff. 12-4-76]—(NAC A 10-15-85; 10-22-87; 10-30-95)

NAC 445B.254 Collection of data concerning air quality in affected area of exceptional event.

1. The commission will review the data concerning air quality collected during the period and in the affected area of the exceptional event to determine whether a person or government, governmental agency or political subdivision of a government has complied with the provisions of NAC 445B.001 to 445B.3497, inclusive.

2. The commission hereby adopts by reference sections 2, 3, 4.2 and 4.4 of the *Guideline on the Identification and Use of Air Quality Data Affected by Exceptional Events*, EPA-450/4-86-007, published by the Environmental Protection Agency, July 1986. A copy of the publication may be obtained from the National Technical Information Service, United States Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161, for the price of $20.

3. The commission may declare an event an exceptional event if the event complies with any of the following requirements:

(a) For a high wind, an hourly speed equal to or greater than 30 miles per hour or gusts equal to or greater than 40 miles per hour with no precipitation or only a trace of precipitation observed as scattered drops that do not completely wet or cover an exposed area at a rate of not more than 0.01 inch per hour.

(b) For a forest or wildland fire, an uncontrolled fire in vegetation or related flammable material that is destructive to natural resources if the fire burns an area:

(1) Equal to or greater than 9 acres and is within 3 miles upwind of a device to monitor air quality; or

(2) Greater than 9 acres and receptor or dispersion modeling demonstrates that air quality in the monitored area was affected by the fire.

(c) For a prescribed burning, a controlled fire of vegetative material that is used to improve range or forestry resources. Prescribed burning must be limited to those days when the meteorological conditions are conducive to maximum dispersion.

(d) For a structural fire, any accidental fire involving a building that is at least 600 square feet in size and located within 500 meters of a device to monitor air quality.

(e) For a high pollen count, a pollen count index above 25 grains/cm^2 or 1,000 grains/m^3.

(f) For a rerouting of traffic, a temporary deviation or detour of vehicular traffic because of an accident, construction or demolition, if the detour lasts for not more than 1 week and the rerouted traffic is within 500 meters of a device to monitor air quality.

(g) For unusual traffic congestion, a condition resulting from a major accident, or an obstruction for a short period, such as demolition or construction, if the congestion is not a regular occurrence and is located within 500 meters of a monitoring site.

(h) For a large gathering of persons, a gathering of more than 10,000 persons and 5,000 cars at any one time and at a single location, if the:

(1) Unusual traffic congestion is associated with the event;

(2) Event occurs less than once a year; and

(3) Event is held in a location which is not regularly used for those purposes.

(i) For a chemical spill or an industrial accident, emissions that result from accidents such as a fire, explosion, power outage, train derailment, vehicular accident, or any combination thereof, if the spill or accident is not a regular occurrence.

(j) For a stratospheric ozone intrusion, a parcel of air originating in the stratosphere at an average height of 12.4 miles entrained directly to the surface of the earth.

(k) For a volcanic eruption, the emission or ejection of volcanic materials at the earth's surface from a crater or fissure.

(l) For any activity relating to cleanup after a major natural disaster, if the governor or legislature declares an emergency because of the natural disaster or the area affected by the natural disaster has been designated as being eligible for federal assistance.

4. If the commission determines that an event is exceptional, the air quality data collected within the period and affected area of the event must be treated in a consistent manner.

5. As used in this section, "exceptional event" means an event which is uncontrollable or is not expected to occur regularly at a given location.

(Added to NAC by Environmental Comm'n, eff. 12-26-91)—(Substituted in revision for NAC 445.6823)

NAC 445B.255 Monitoring guidelines. (NRS 445B.210, 445B.225) The division may establish guidelines for monitoring a stationary source.

(Added to NAC by Environmental Comm'n by R019-99, eff. 9-27-99)

NAC 445B.256 Monitoring systems: Calibration, operation and maintenance of equipment. The owners or operators of all stationary sources identified in Appendix P of
40 C.F.R. § 51(1.1) as amended from time to time, are required to install, calibrate, operate and maintain all monitoring equipment necessary for continuously monitoring the pollutants specified in Appendix P for the applicable source category. Those stationary sources must meet the basic requirements of Appendix P of 40 C.F.R. § 51(2.0 et seq.).

[Environmental Comm'n, Air Quality Reg. §§ 2.17.10 & 2.17.10.1, eff. 4-4-77]—(NAC A 10-30-95)

NAC 445B.257 Monitoring systems: Location.

1. All continuous monitoring systems or monitoring devices must be installed so that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems are contained in the applicable Performance Specifications of Appendix B of 40 C.F.R. § 60.

2. When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems for each effluent or for the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems must be installed for each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install applicable continuous monitoring systems on each separate effluent unless the installation of fewer systems is approved by the director.

[Environmental Comm'n, Air Quality Reg. §§ 2.17.6 & 2.17.7, eff. 12-4-76]—(Substituted in revision for NAC 445.684)

NAC 445B.258 Monitoring systems: Verification of operational status.

1. Unless otherwise approved by the director or specified in NAC 445B.001 to 445B.3497, inclusive, the requirements of this section apply to all continuous monitoring systems required under applicable provisions of those sections.

2. All continuous monitoring systems and monitoring devices must be installed and operational prior to conducting performance tests under NAC 445B.252. Verification of operational status must, as a minimum, consist of the following:

(a) For continuous monitoring systems referred to in subsection 2 of NAC 445B.259, completion of the conditioning period specified by applicable requirements in Appendix B of 40 C.F.R. § 60.

(b) For continuous monitoring systems referred to in NAC 445B.260, completion of 7 days of operation.

(c) For monitoring devices referred to in NAC 445B.256 to 445B.267, inclusive, completion of the manufacturer's written requirements or recommendations for checking the operation or calibration of the device.

[Environmental Comm'n, Air Quality Reg. §§ 2.17.1-2.17.2.3, eff. 12-4-76]—(Substituted in revision for NAC 445.685)

NAC 445B.259 Monitoring systems: Performance evaluations.

1. During any performance tests required under NAC 445B.252 or within 30 days thereafter and at such other times as may be required by the director under § 114 of the Act, the owner or operator of any affected facility shall conduct continuous evaluations of the performance of monitoring systems and furnish the director within 60 days thereof two or upon request more copies of a written report of the results of such tests. These evaluations must be conducted in accordance with the specifications and procedures provided in this section and NAC 445B.260.

2. Except as provided in NAC 445B.260, continuous monitoring systems listed within this subsection must be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of Appendix B of 40 C.F.R. § 60. Continuous monitoring systems for measuring:

(a) Opacity of emissions must comply with Performance Specification 1.

(b) Nitrogen oxide emissions must comply with Performance Specification 2.

(c) Sulfur dioxide emissions must comply with Performance Specification 2.

(d) The oxygen content of carbon dioxide content of effluent gases must comply with Performance Specification 3.

[Environmental Comm'n, Air Quality Reg. §§ 2.17.3 & 2.17.3.1, eff. 12-4-76]—(Substituted in revision for NAC 445.686)

NAC 445B.260 Monitoring systems: Components contracted for before September 11, 1974.

1. Except as provided in subsection 2, an owner or operator who, prior to September 11, 1974, entered into a binding contractual obligation to purchase specific continuous monitoring system components shall comply with the following requirements:

(a) Continuous monitoring systems for measuring opacity of emissions must be capable of measuring emission levels within ±20 percent with a confidence level of 95 percent. The Calibration Error Test and associated calculation procedures set forth in Performance Specification 1 in Appendix B of 40 C.F.R. § 60 must be used for demonstrating compliance with this specification.

(b) Continuous monitoring systems for measurement of nitrogen oxides or sulfur dioxide must be capable of measuring emission levels within ±20 percent with a confidence level of 95 percent. The Calibration Error Test, the Field Test for Accuracy (Relative), and associated operating and calculation procedures set forth in Performance Specification 2 in Appendix B of 40 C.F.R. § 60 must be used for demonstrating compliance with this specification.

2. Owners or operators of all continuous monitoring systems installed on an affected facility prior to October 6, 1975, are not required to conduct tests under paragraphs (a) and (b) of subsection 1 unless requested by the director.

3. All continuous monitoring systems referred to in subsection 1 must be upgraded or replaced, if necessary, with new continuous monitoring systems, and such improved systems must be demonstrated to comply with applicable performance specifications under NAC 445B.259 by September 11, 1979.

[Environmental Comm'n, Air Quality Reg. §§ 2.17.3.2 & 2.17.3.3, eff. 12-4-76; A 12-4-77]—(Substituted in revision for NAC 445.687)

NAC 445B.261 Monitoring systems: Adjustments. Owners or operators of all continuous monitoring systems installed in accordance with the provisions of NAC 445B.256 to 445B.267, inclusive, shall check the zero and span drift at least once daily in accordance with the method prescribed by the manufacturer of the systems unless the manufacturer recommends adjustments at shorter intervals, in which case the recommendations must be followed. The zero and span must, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B of 40 C.F.R. § 60 are exceeded.

[Environmental Comm'n, Air Quality Reg. part § 2.17.4, eff. 12-4-76; A 12-15-77]—(Substituted in revision for NAC 445.688)

NAC 445B.262 Monitoring systems: Measurement of opacity. For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases must be cleaned prior to performing the zero or span drift adjustments, except that for systems using automatic zero adjustments, the optical surfaces must be cleaned when the cumulative automatic zero compensation exceeds 4 percent opacity. Unless otherwise approved by the director, the following procedures, as applicable, must be followed:

1. For extractive continuous monitoring systems measuring gases, minimum procedures must include introducing applicable zero and span gas mixtures into the measurement system as near the probe as is practical. Span and zero gases certified by their manufacturer to be traceable to National Bureau of Standards reference gases must be used whenever these reference gases are available. The span and zero gas mixtures must be the same composition as specified in Appendix B of 40 C.F.R. § 60. Every 6 months from the date of manufacture, span and zero gases must be reanalyzed by conducting triplicate analyses with Reference Methods 6 for SO_2, 7 for NO, and 3 for O_2 and CO_2, respectively. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

2. For nonextractive continuous monitoring systems measuring gases, minimum procedures include upscale checks using a certified calibration gas cell or test cell which is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.

3. For continuous monitoring systems measuring opacity of emissions, minimum procedures include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. These procedures must provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.

[Environmental Comm'n, Air Quality Reg. part § 2.17.4, eff. 12-4-76; § 2.17.4.1, eff. 12-4-76; A 12-15-77; §§ 2.17.4.2 & 2.17.4.3, eff. 12-4-76]—(Substituted in revision for NAC 445.689)

NAC 445B.263 Monitoring systems: Frequency of operation. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required by NAC 445B.261, all continuous monitoring systems must be in continuous operation and meet minimum frequency of operation requirements as follows:

1. All continuous monitoring systems referred to in NAC 445B.259 and 445B.260 for measuring opacity of emissions must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 10-second period.

2. All continuous monitoring systems referred to in NAC 445B.259 for measuring oxides of nitrogen, sulfur dioxide, carbon dioxide or oxygen must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 15-minute period.

3. All continuous monitoring systems referred to in NAC 445B.260, except opacity, must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each successive 1-hour period.

[Environmental Comm'n, Air Quality Reg. §§ 2.17.5-2.17.5.3, eff. 12-4-76]—(Substituted in revision for NAC 445.690)

NAC 445B.264 Monitoring systems: Recordation of data. (NRS 445B.210, 445B.225)

1. Owners or operators of all continuous monitoring systems for the measurement of opacity shall reduce all data to 6-minute averages and for systems other than opacity to 1-hour averages.

2. For systems other than opacity, 1-hour averages must be computed from four or more data points equally spaced over each 1-hour period.

3. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments must not be included in the data averages computed under this section. An arithmetic or integrated average of all calibrated data must be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form, e.g., ppm pollutant and percent O_2 or lb/million Btu of pollutant.

4. All excess emissions must be converted into units of the standard using the applicable conversion procedures specified in NAC 445B.001 to 445B.3497, inclusive. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in those sections to specify the applicable standard, e.g., rounded to the nearest 1 percent opacity.

5. As used in this section, "calibrated data" means data which is precise and accurate within a stated acceptance criteria for the instrument.

[Environmental Comm'n, Air Quality Reg. § 2.17.8, eff. 12-4-76]—(NAC A 10-22-87; R118-00, 9-25-2000)

NAC 445B.265 Monitoring systems: Records; reports.

1. Any owner or operator subject to the provisions of NAC 445B.256 to 445B.267, inclusive, shall maintain records of the occurrence and duration of any start-up, shutdown or malfunction in the operation of an affected facility and any malfunction of the air pollution control equipment or any periods during which a continuous monitoring system or monitoring device is inoperative.

2. Each owner or operator required to install a continuous monitoring system shall submit a written report of excess emissions to the director for every calendar quarter. All quarterly reports must be postmarked by the 30th day following the end of each calendar quarter and must include the following information:

(a) The magnitude of excess emissions computed in accordance with NAC 445B.256 to 445B.267, inclusive, any conversion factors used, and the date and time of commencement and completion of each time period of excess emissions.

(b) Specific identification of each period of excess emissions that occurs during start-ups, shutdowns and malfunctions of the affected facility.

(c) The nature and cause of any malfunction, if known, the corrective action taken or preventative measures adopted.

(d) Specific identification of each period during which the continuous monitoring system was inoperative, except for zero and span checks, and the nature of any repairs or adjustments that were made.

When no excess emissions have occurred and the continuous monitoring system has not been inoperative, repaired or adjusted, such information must be included in the report.

3. Any owner or operator subject to the provisions of NAC 445B.256 to 445B.267, inclusive, shall maintain a file of all measurements, including:

(a) Continuous monitoring systems, monitoring devices and performance testing measurements;

(b) All continuous monitoring system performance evaluations;

(c) All continuous monitoring systems or monitoring device calibration checks;

(d) Adjustments and maintenance performed on these systems or devices; and

(e) All other information required by NAC 445B.256 to 445B.267, inclusive, recorded in a permanent form suitable for inspection.

The file must be retained for at least 2 years following the date of the measurements, maintenance, reports and records.

[Environmental Comm'n, Air Quality Reg. §§ 2.16.2-2.16.4, eff. 12-4-76]—(NAC A 7-2-84)—(Substituted in revision for NAC 445.692)

NAC 445B.267 Alternative monitoring procedures or requirements. Upon written application by an owner or operator, the director may approve alternatives to any monitoring procedures or requirements of NAC 445B.256 to 445B.267, inclusive, including, but not limited to, the following:

1. Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by those sections would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.

2. Alternative monitoring requirements when the affected facility is infrequently operated.

3. Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.

4. Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.

5. Alternative methods of converting regulated air pollutant concentration measurements to units of the standards.

6. Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.

7. Alternatives to the A.S.T.M. test methods or sampling procedures specified by any provision of NAC 445B.256 to 445B.267, inclusive.

8. Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B of 40 C.F.R. § 60, but adequately demonstrate a definite and consistent relationship between their measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The director may require that such demonstration be performed for each affected facility.

9. Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.

[Environmental Comm'n, Air Quality Reg. §§ 2.17.9-2.17.9.7, eff. 12-4-76; § 2.17.9.8, eff. 12-4-76; A 12-15-77]—(NAC A 10-30-95)

NAC 445B.271 Use of alternative method or equivalent method to determine compliance with permit. An alternative method or an equivalent method may be used to determine compliance with a standard, requirement or condition for a permit that is required pursuant to 42 U.S.C. §§ 7401 to 7671q, inclusive, if it is first approved by the Administrator.

(Added to NAC by Environmental Comm'n, 3-29-94, eff. 1-11-96; A 10-30-95, eff. 1-11-96)—(Substituted in revision for NAC 445.6945)

NAC 445B.273 Schedules for compliance.

1. All new and existing stationary sources must comply with NAC 445B.001 to 445B.3497, inclusive. Existing stationary sources are in compliance with those sections and may continue to operate under the provisions of their approved compliance schedules, which may be amended from time to time.
2. Compliance schedules must contain specific progress steps that will be taken toward achieving compliance.
3. The commission may require periodic reports on each phase of progress under approved compliance schedules. Failure at any phase to make diligent and reasonable progress toward compliance with the approved compliance schedule is an unreasonable delay and subjects the operator of the stationary source to administrative fines as provided in NAC 445B.281.
4. In approving compliance schedules, the commission will take into consideration the social and economic effect of the schedule, including, but not limited to, its effect on the availability of fuels, energy, transportation and employment.

[Environmental Comm'n, Air Quality Reg. §§ 2.9.1-2.9.4, eff. 11-7-75]—(NAC R 12-13-93, eff. 11-15-94; A 10-30-95)

NAC 445B.275 Violations: Acts constituting; notice. (NRS 445B.210, 445B.300)

1. Failure to comply with any requirement of NAC 445B.001 to 445B.3497, inclusive, any applicable requirement or any condition of an operating permit constitutes a violation. As required by NRS 445B.450, the director shall issue a written notice of an alleged violation to any owner or operator for any violation, including, but not limited to:

(a) Failure to apply for and obtain an operating permit;

(b) Failure to construct a stationary source in accordance with the application for an operating permit as approved by the director;

(c) Failure to construct or operate a stationary source in accordance with any condition of an operating permit;

(d) Commencing construction or modification of a stationary source without applying for and receiving an operating permit or a modification of an operating permit as required by NAC 445B.001 to 445B.3497, inclusive;

(e) Failure to comply with any requirement for recordkeeping, monitoring, reporting or compliance certification contained in an operating permit; or

(f) Failure to pay fees as required by NAC 445B.327.

2. The written notice must specify the provision of NAC 445B.001 to 445B.3497, inclusive, the condition of the operating permit or the applicable requirement that is being violated.
3. Written notice shall be deemed to have been served if delivered to the person to whom addressed or if sent by registered or certified mail to the last known address of the person.

[Environmental Comm'n, Air Quality Reg. §§ 2.3.1 & 2.9.5-2.9.7, eff. 11-7-75; + § 13.1.8, eff. 11-7-75; A 12-15-77]—(NAC A 8-22-86; 10-22-87; 12-8-89; 12-13-93; 10-30-95; R103-02, 12-17-2002)

NAC 445B.277 Stop orders.

1. The director shall issue a stop order if:

(a) The proposed construction, installation, alterations or establishment will not be in accordance with the provisions of the plans, specifications and other design material required to be submitted as part of the application for an operating permit and approved by the director as a condition of the operating permit; or

(b) The design material or the construction itself is of such a nature that it patently cannot bring the stationary source into compliance with NAC 445B.001 to 445B.3497, inclusive.

2. A stop order may be issued at any time by the director upon his determination that there has been a violation of any of the provisions of NAC 445B.001 to 445B.3497, inclusive, any applicable requirement or any condition of the operating permit.

3. A person served with a stop order:

(a) Shall immediately stop all activities specified in the stop order.

(b) May apply for its revocation at any time, setting forth the facts upon which he believes that the reasons for the issuance of the stop order no longer exist. If the director finds that the reasons for the issuance of the stop order no longer exist, he shall withdraw the order promptly. If the director finds that the reasons for the issuance of the stop order still exist, or that other reasons exist for continuing a stop order in effect, he shall, within 24 hours, serve a written statement of his reasons for so finding.

[Environmental Comm'n, Air Quality Reg. §§ 3.3.1-3.3.5, eff. 11-7-75]—(NAC A 10-22-87; 9-19-90; 12-13-93; 10-30-95)

NAC 445B.279 Appeal of director's decision: Application forms. Application forms for an appeal under NRS 445B.360 must be obtained from the director.

[Environmental Comm'n, Air Quality Reg. § 2.10.4, eff. 11-7-75]—(Substituted in revision for NAC 445.698)

NAC 445B.281 Violations: Classification; administrative fines. (NRS 445B.210, 445B.470, 445B.640)

1. Except as otherwise provided in NAC 445B.001 to 445B.3497, inclusive, any violation of the provisions of those sections is classified as a major violation, and a fine up to $10,000 per day per violation may be levied.

2. For Class II and Class III sources, violations of NAC 445B.22037, 445B.22067, 445B.2207, 445B.22087, subsections 3 and 4 of NAC 445B.232, subsection 8 of NAC 445B.252, subsection 2 of NAC 445B.265, paragraph (e) of subsection 1 of NAC 445B.275 and NAC 445B.331 are classified as minor or lesser violations, unless there are four or more violations of any one of those sections by a person, occurring within a period of 60 consecutive months.

3. The schedule of fines for minor violations is as follows:

	First Offense	Second Offense	Third Offense
NAC 445B.22037, fugitive dust	$125	$250	$500
NAC 445B.22067, open burning	50	100	200
NAC 445B.2207, incinerator burning,			
equal to or less than 25 lbs per hour	50	100	200
greater than 25 lbs per hour	50	100	200
NAC 445B.22087, odors	$100	$200	$400
Subsection 3 or 4 of NAC 445B.232, reporting of excess emissions	125	250	500
Subsection 8 of NAC 445B.252, testing and sampling reporting	100	200	400

	First Offense	Second Offense	Third Offense
Subsection 2 of NAC 445B.265, reporting of monitoring systems	100	200	400
Paragraph (e) of subsection 1 of NAC 445B.275, recordkeeping, monitoring, reporting or compliance certification	50	100	200
NAC 445B.331, change of location	100	200	400

4. All minor violations become major violations upon the occurrence of the fourth violation of the same section within a period of 60 consecutive months.

[Environmental Comm'n, Air Quality Reg. §§ 2.8.1-2.8.4, eff. 11-7-75; A 12-4-76]—(NAC A 10-22-87; 12-8-89; 12-13-93; R040-01, 10-25-2001; R103-02, 12-17-2002)

NAC 445B.283 Violations: Manner of paying fines.

1. The amount of the specified fine, in accordance with the schedule of fines for minor violations, must be submitted within 10 days after service of the notice upon the violator.

2. Cashier's checks, certified checks, money orders or personal checks must be made payable to the State of Nevada and must be sent to the State Environmental Commission, 333 West Nye Lane, Carson City, Nevada 89710.

[Environmental Comm'n, Air Quality Reg. §§ 2.8.5.1 & 2.8.5.2, eff. 11-7-75; A 12-4-76]—(NAC A 10-22-87; 9-19-90; 11-23-92)—(Substituted in revision for NAC 445.700)

Operating Permits Generally

NAC 445B.287 Operating permits: General requirements; exception; restrictions on transfers. (NRS 445B.210, 445B.300)

1. Except as otherwise provided in subsection 2 and in NAC 445B.288, an operating permit, operating permit to construct or permit to construct is required for each stationary source and:

(a) If a stationary source is a Class I source:

(1) A revision of the operating permit or the permit to construct is required pursuant to the requirements of NAC 445B.3425 and 445B.344 before the stationary source may be modified; or

(2) A revision of the operating permit to construct is required pursuant to the requirements of paragraph (a) of subsection 1 of NAC 445B.3361 before the stationary source may be modified,

as appropriate.

(b) If a stationary source is a Class II source, a revision of the operating permit or the permit to construct is required pursuant to the requirements of NAC 445B.3465 before the stationary source may be modified.

(c) If a stationary source is a Class III source, a revision of the operating permit is required pursuant to the requirements of NAC 445B.3493 before the stationary source may be modified.

2. A Class I source is not subject to the provisions of subparagraph (1) of paragraph (a) of subsection 1 if the source is not a major source, an affected source or a solid waste incineration unit required to obtain a permit pursuant to 42 U.S.C. § 7429(e). For a Class I source which is not a major source and which subsequently becomes subject to a standard or other requirement under 42 U.S.C. § 7411 or 7412, the Administrator will determine whether to exempt the source from the requirement to obtain a Class I operating permit at the time that the new standard is adopted.

3. An operating permit, operating permit to construct or permit to construct may not be transferred from one owner or piece of equipment to another. An owner or operator may apply for an administrative amendment reflecting a change of ownership or the name of the stationary source for the effective time remaining on the original operating permit pursuant to NAC 445B.319.

4. For the purposes of this section, "permit to construct" means a document issued and signed by the director before November 1, 1995, certifying that:

(a) Adequate empirical data for a stationary source has been received and constitutes approval of location; or

(b) All portions of NAC 445B.305 to 445B.314, inclusive, and 445B.3395, and any other provisions of NAC 445B.001 to 445B.3497, inclusive, have been complied with and constitute approval of location and for construction.

[Environmental Comm'n, Air Quality Reg. §§ 3.1.1-3.1.3, eff. 11-7-75; A 12-15-77; § 3.1.9, eff. 11-7-75; A 12-4-76]—(NAC A 7-29-82; 10-22-87; 12-15-88; 12-13-93; 10-30-95; R105-97, 3-5-98; R117-00, 6-1-2001; R040-01, 10-25-2001; R103-02, 12-17-2002)

NAC 445B.288 Operating permits: Exemptions from requirements; insignificant activities. (NRS 445B.210, 445B.300)

1. The following categories of sources are not required to obtain an operating permit:

(a) A source that would otherwise be required to obtain an operating permit solely because it is subject to 40 C.F.R. Part 60, Subpart AAA, Standards of Performance for New Residential Wood Heaters.

(b) A source that would otherwise be required to obtain an operating permit solely because it is subject to 40 C.F.R. Part 61, Subpart M, National Emission Standard for Asbestos, section 61.145.

(c) Agricultural equipment used in the normal operation of a farm, other than agricultural equipment which is classified as, or located at, a source for which a permit is required under Title V of the Act or which is subject to any standard set forth in 40 C.F.R. Part 60 or 61.

2. The following emission units are considered to be insignificant activities unless the emission unit is otherwise subject to another specific applicable requirement, including, without limitation, any requirement or standard set forth in 40 C.F.R. Part 60, 61 or 63:

(a) Any equipment or other contrivance used exclusively for the processing of food for human consumption.

(b) An incinerator which has a rated burning capacity that is less than 25 pounds per hour.

(c) An emission unit that has a maximum allowable throughput or batch load rate of less than 50 pounds per hour, unless the emission unit directly emits, or has the potential to emit, a hazardous air pollutant.

(d) A storage container for petroleum liquid, or a storage facility for volatile organic liquid, that has a capacity of less than 40,000 gallons.

(e) Except as otherwise provided in paragraphs (f), (g) and (h), air-conditioning equipment or fuel-burning equipment that, individually, has a rating which is:

(1) Less than 4,000,000 Btu's per hour; or

(2) Equal to or greater than 4,000,000 Btu's per hour if the equipment operates less than 100 hours per calendar year.

(f) A portable internal combustion engine that has a rating for output which is:

(1) Less than 500 horsepower; or

(2) Equal to or greater than 500 horsepower if the engine operates less than 100 hours per calendar year.

(g) A stationary internal combustion engine that has a rating for output which is:

(1) Less than 250 horsepower; or

(2) Equal to or greater than 250 horsepower if the engine operates less than 100 hours per calendar year.

(h) An emergency generator. Except as otherwise provided in this paragraph, an emergency generator qualifies as an insignificant activity pursuant to this paragraph only if the emergency generator is an internal combustion engine that is used to generate electrical power to maintain essential operations during unplanned electrical power outages. An emergency generator that is owned or operated by a Class II source and whose potential to emit is calculated on the basis of less than 500 hours of operation does not qualify as an insignificant activity.

3. If an emission unit is considered an insignificant activity and is subject to a limitation on its hours of operation pursuant to subsection 2, the owner or operator of the emission unit shall maintain an operating log of the hours of operation of the emission unit. The operating log must be maintained at the site of the emission unit and made available to the director upon his request. The owner or operator shall retain the operating log for not less than 5 years.

4. The director may, upon written request and a satisfactory demonstration by an applicant, approve an emission unit as an insignificant activity if the emission unit is not otherwise subject to another specific applicable requirement, including, without limitation, any requirement or standard set forth in 40 C.F.R. Part 60, 61 or 63. To be approved as an insignificant activity, an emission unit must meet the following criteria:

(a) The operation of the emission unit, not considering controls or limits on production, type of materials processed, combusted or stored, or hours of operation, will not result in:

(1) Emissions of a hazardous air pollutant that exceed 1 pound per hour or 1,000 pounds per year, as appropriate;

(2) Emissions of regulated air pollutants that exceed 4,000 pounds per year;

(3) Emissions of regulated air pollutants that exceed any other limitation on emissions pursuant to any other applicable requirement; or

(4) Emissions of regulated air pollutants that adversely impact public health or safety, or exceed any ambient air quality standards; and

(b) The emissions from the emission unit are not relied on to avoid any other applicable requirements.

If there are multiple emission units, the director may, after considering the impact of the combined emissions of multiple emission units, determine whether to approve one or more of the specific emission units as an insignificant activity.

5. Except as otherwise provided in NAC 445B.094, emissions from insignificant activities, as determined pursuant to this section, must be included in any determination of whether a stationary source is a major source.

6. A stationary source is not required to obtain an operating permit pursuant to NAC 445B.001 to 445B.3497, inclusive, for any emission unit determined to be an insignificant activity in accordance with this section, as long as the stationary source is not otherwise subject to any other requirement to obtain an operating permit under Title V of the Act. Such an exclusion from the requirements relating to permitting is not an exclusion or exemption from any other requirement set forth in NAC 445B.001 to 445B.3497, inclusive, relating to the operation of the emission unit determined to be an insignificant activity.

7. A stationary source which consists solely of insignificant activities as determined pursuant to this section and which is not otherwise subject to any other requirement to obtain an operating permit under Title V of the Act is not required to obtain an operating permit to operate as a stationary source. Such an exclusion from the requirements relating to permitting is not an exclusion or exemption from any other requirement set forth in NAC 445B.001 to 445B.3497, inclusive, relating to the operation of the stationary source or any insignificant activity that is a part of the stationary source.

[Environmental Comm'n, Air Quality Reg. § 3.1.8, eff. 11-7-75]—(NAC A 10-22-87; 12-8-89; 9-19-90; 11-23-92; 12-13-93, eff. 11-15-94; 3-29-94, eff. 11-15-94; 10-30-95; R117-00, 6-1-2001)

NAC 445B.295 Application: General requirements. (NRS 445B.210, 445B.300) An application for an operating permit must include:

1. Information to identify the applicant, including the name and address of the company or the name and address of the plant if different from that of the company, the name of the owner of the company and his agent, and the name and telephone number of the manager of the plant or another appropriate person to contact;
2. A description of the stationary source's processes and products by Standard Industrial Classification Code, including any processes and products associated with an alternative operating scenario identified by the owner or operator;
3. A description of the fuels, fuel use and raw materials to be used and the rates of production and operating schedules for each emission unit which is a part of the stationary source;
4. An identification and a description of any equipment for the control of air pollution and any devices or activities for monitoring compliance with emission limitations;
5. Limitations on the operation of the stationary source or any standards for work practices which affect emissions for all regulated air pollutants at the stationary source;
6. An explanation of any proposed exemption from any applicable requirement;
7. The location of any records that the applicant must keep pursuant to the requirements of the operating permit, if the records are kept at a location other than the emitting facility; and
8. Other specific information that the director determines is necessary to carry out, enforce and determine the applicability of all legal requirements.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; 5-3-96; A by R117-00, 6-1-2001; R103-02, 12-17-2002)

NAC 445B.296 Application: Requests for inclusion of additional provisions. If an applicant for an operating permit requests the inclusion of:

1. Provisions for alternative operating scenarios, the application must:
   (a) Define each scenario;
   (b) Demonstrate that each scenario will comply with each applicable requirement or relevant requirement of NAC 445B.001 to 445B.3497, inclusive;
   (c) Contain proposed conditions of the permit which will ensure compliance with any applicable requirements, including a requirement for contemporaneous log entries each time the stationary source changes from one scenario to another; and
   (d) Contain any additional information that the director determines is necessary to process the application.
2. A federally enforceable emissions cap, the application must:
   (a) State each applicable requirement that the applicant seeks to avoid;
   (b) Demonstrate that the applicant will comply with any applicable requirements that the applicant does not avoid with the federally enforceable emissions cap;
   (c) Contain proposed conditions of the operating permit which will ensure compliance with any applicable requirement; and
   (d) Contain any additional information that the director determines is necessary to process the application.
3. A provision regarding trading increases and decreases of emissions pursuant to a federally enforceable emissions cap, as set forth in subsection 2, the application must contain:
   (a) Proposed replicable procedures and conditions of the operating permit that ensure that the trades of emissions are quantifiable and enforceable; and

(b) Any additional information that the director determines is necessary to process the application.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96)

NAC 445B.297 Application: Submission of application and supplementary or corrected information.

1. An applicant for an operating permit must:

(a) Submit an application to the director on the appropriate form provided by the director. A responsible official of the stationary source must certify that, based on information and belief formed after a reasonable inquiry, the statements in the application for the operating permit are true, accurate and complete.

(b) Submit supplementary facts or corrected information upon discovery.

(c) Provide any additional information that the director requests in writing within the time specified in the director's request.

2. In addition to the requirements set forth in subsection 1, an applicant for a Class I operating permit must submit a copy of the application directly to the Administrator.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 10-30-95)

NAC 445B.298 Application: Official date of submittal. (NRS 445B.210, 445B.300) The official date of submittal of an application for an operating permit or a revision of an existing operating permit is the date on which the director determines that the application is complete.

[Environmental Comm'n, Air Quality Reg. §§ 3.1.4 & 3.1.7, eff. 11-7-75]—(NAC A 10-22-87; 9-19-90; 12-13-93; R105-97, 3-5-98)

NAC 445B.305 Operating permits: Imposition of more stringent standards for emissions. The director may impose standards for emissions on a proposed stationary source that are more stringent than those found in NAC 445B.001 to 445B.3497, inclusive, as a condition of approving an operating permit for the proposed stationary source.

(Added to NAC by Environmental Comm'n, eff. 9-19-90; A 12-13-93, eff. 11-15-94; 10-30-95)

NAC 445B.308 Prerequisites and conditions for issuance of operating permits: Environmental evaluation; compliance with control strategy; exemption from environmental evaluation. (NRS 445B.210, 445B.300)

1. Before an operating permit or a revision of an operating permit may be issued for a new or modified stationary source, in accordance with NAC 445B.308 to 445B.314, inclusive, the applicant must submit to the director an environmental evaluation and any other information the director deems necessary to make an independent air quality impact assessment.

2. The director shall not issue an operating permit or a revision of an operating permit for any stationary source if the environmental evaluation submitted by the applicant shows, or if the director determines, in accordance with the provisions of this section, that the stationary source:

(a) Will prevent the attainment and maintenance of the state or national ambient air quality standards. For the purposes of this paragraph, only those ambient air quality standards that have been established in NAC 445B.22097 need to be considered in the environmental evaluation.

(b) Will cause a violation of the applicable control strategy contained in the approved air quality plan.

(c) Will cause a violation of any applicable requirement.

(d) Will not comply with subsection 3.

3. To be issued an operating permit or a revision of an operating permit, the owner or operator of a major stationary source or major modification, as those terms are defined in 40 C.F.R. § 51.165, who proposes to construct in an area designated nonattainment for the regulated air pollutant or pollutants for which the stationary source or modification is major must:

(a) Comply with the provisions of 40 C.F.R. § 51.165, as incorporated by reference in NAC 445B.221.

(b) Adopt as an emission limitation for the stationary source the lowest achievable emission rate for each nonattainment regulated air pollutant from the stationary source.

(c) Demonstrate that all other stationary sources within this state which are owned, operated or controlled by the applicant are in compliance or on a schedule of compliance with NAC 445B.001 to 445B.3497, inclusive, and all other applicable requirements and conditions of the permit.

(d) Conduct an analysis of any anticipated impact on visibility in any federal Class I area which may be caused by emissions from the stationary source.

(e) Conduct an analysis of alternative sites, sizes, processes of production and techniques for environmental control for the proposed stationary source. Except as otherwise provided in this paragraph, the analysis must demonstrate that the benefits of the proposed stationary source significantly outweigh the detrimental environmental and social effects that will result from its location, construction or modification. If the major stationary source or major modification proposes to locate in an area designated as marginal nonattainment for ozone, the analysis must demonstrate an offset ratio of 1.2 to 1 for volatile organic compounds and nitrogen oxides. For the purposes of this paragraph, a stationary source which is major for volatile organic compounds or nitrogen oxides shall be deemed major for ozone if it proposes to locate in an area designated as nonattainment for ozone.

(f) Comply with one of the following:

(1) Sufficient offsets in emissions must be obtained by the time the proposed stationary source begins operation to ensure that the total allowable emissions of each nonattainment regulated air pollutant from the existing stationary sources in the area, those stationary sources in the area which have received their respective permits and the proposed stationary source will be sufficiently less than the total emissions from the existing stationary sources and those stationary sources in the area which have received their respective permits before the proposed stationary source applies for its operating permit or a revision of an operating permit, in order to achieve reasonable further progress; or

(2) If the major stationary source or major modification is located in a zone identified by the Administrator as one to be targeted for economic development, demonstrate that the emission from the stationary source will not cause or contribute to emissions levels which exceed the allowance permitted for a regulated air pollutant for the nonattainment area.

For the purposes of this paragraph, offsets must comply with the provisions of Appendix S of 40 C.F.R. Part 51, as incorporated by reference in NAC 445B.221, and be coordinated with the appropriate local agency for the control of air pollution.

4. To be issued an operating permit or a revision of an operating permit, the owner or operator of a major stationary source or major modification, as those terms are defined in 40 C.F.R. § 52.21, who proposes to construct in any area designated as attainment or unclassifiable under 42 U.S.C. § 7407(d), must comply with the provisions of 40 C.F.R. § 52.21, as incorporated by reference in NAC 445B.221.

5. The director may impose any reasonable conditions on his approval, including conditions requiring the owner or operator of the stationary source to:

(a) Conduct monitoring of the quality of the ambient air at the facility site for a reasonable period before the commencement of construction or modification and for any specified period after operation has begun at the stationary source; and

(b) Meet standards for emissions that are more stringent than those found in NAC 445B.001 to 445B.3497, inclusive.

6. Where a proposed stationary source located on contiguous property is constructed or modified in phases which individually are not subject to review as provided in NAC 445B.308 to 445B.314, inclusive, all phases occurring since November 7, 1975, must be added together for determining the applicability of those sections.

7. Approval and issuance of an operating permit or a revision of an operating permit for any stationary source does not affect the responsibilities of the owner or owners to comply with any other portion of the control strategy.

8. An owner or operator of a Class II source may request an exemption from the requirement to submit an environmental evaluation. Within 30 days after receipt of a written request for an exemption, the director shall grant or deny the request and notify the owner or operator in writing of his determination.

9. As used in this section:

(a) "Lowest achievable emission rate" has the meaning ascribed to it in 40 C.F.R. § 51.165, as incorporated by reference in NAC 445B.221.

(b) "Offset ratio" means the percentage by which a reduction in an emission must exceed the corresponding increase in that emission.

(c) "Reasonable further progress" means the annual incremental reductions in emissions of the relevant regulated air pollutant that are required by 42 U.S.C. §§ 7501 to 7515, inclusive, or are required by the Administrator to ensure attainment of the applicable standard for national ambient air quality by the applicable date.

[Environmental Comm'n, Air Quality Reg. § 13.1.1, eff. 11-7-75; A 8-28-79; § 13.1.3, eff. 11-7-75; A 8-28-79; 2-28-80; §§ 13.1.4-13.1.7, eff. 11-7-75]—(NAC A 10-22-87; 9-19-90; 11-23-92; 12-13-93, eff. 11-15-94; 3-29-94, eff. 11-15-94; 10-30-95; R105-97, 3-5-98; R103-02, 12-17-2002)

NAC 445B.310 Environmental evaluation: Applicable sources. (NRS 445B.210, 445B.300) An applicant for an operating permit, a revision to an operating permit or a request for a change of location, which is not subject to the provisions of 40 C.F.R. Part 52.21, as adopted by reference in NAC 445B.221, must submit with the application an environmental evaluation for:

1. A new stationary source which emits, or has the potential to emit, greater than 25 tons of a regulated air pollutant per year;

2. A modification to an existing stationary source that meets the following criteria:

(a) The existing stationary source has the potential to emit greater than 25 tons of a regulated air pollutant per year; and

(b) The proposed modification has the potential to emit greater than 10 tons of a regulated air pollutant per year; or

3. Upon written notice from the director, any other source or combination of sources.

[Environmental Comm'n, Air Quality Reg. § 13.3, eff. 11-7-75; A 12-15-77; renumbered as § 13.2, 8-28-79; § 13.3.1, eff. 11-7-75; A 12-15-77; renumbered as § 3.2.1, 8-28-79; §13.3.2, eff. 11-7-75; A 12-15-77; renumbered as § 13.2.2, 8-28-79; § 13.3.3, eff. 11-7-75; renumbered as § 13.2.3, 8-28-79]—(NAC A 9-19-90; R 12-13-93, eff. 11-15-94; A 10-30-95; R105-97, 3-5-98)

NAC 445B.311 Environmental evaluation: Required information. (NRS 445B.210, 445B.300)

1. An environmental evaluation which is required for a new or modified stationary source pursuant to NAC 445B.308 to 445B.314, inclusive, or as required by the director must contain a careful and detailed assessment of the environmental aspects of the proposed stationary source and must also contain:

(a) The name and address of the applicant;

(b) The name, address and location of the stationary source;

(c) A description of the proposed stationary source, including the normal hours of operation of the facility and the general types of activities to be performed;

(d) A map showing the location of the stationary source and the topography of the area, including existing principal streets, roads and highways within 3 miles of the stationary source;

(e) A site plan showing the location and height of buildings on the site; and

(f) Any additional information or documentation which the director deems necessary to determine the effect of the stationary source on the quality of the ambient air, including measured data on the quality of the ambient air at the proposed site before construction or modification.

2. Where approval is sought for stationary sources to be constructed in phases, the information required by subsection 1 must be submitted for each phase of the construction project.

3. An environmental evaluation must also contain adequate environmental safeguards to be put into operation by the applicant to provide for the maintenance of acceptable air quality and must consider:

(a) Concentrations in the ambient air before, during and after construction, empirically calculated with recognized methods as approved by the director. Existing concentrations in the ambient air may be measured with approved methods at approved site locations for not less than 1 year. Estimates must be empirically determined for concentrations in the ambient air immediately adjacent to the facility and at the predicted point of maximum concentration within the surrounding region.

(b) Alternate proposals which could be put into effect as conditions of approval.

(c) In the narrative portion of the evaluation, other probable environmental effects before, during and after construction.

4. Diffusion models used to determine the location and estimated value of highest concentration of regulated air pollutants must contain:

(a) Assumptions and premises;

(b) Evaluation at the most adverse meteorological conditions recorded in the last 10 years;

(c) Evaluation at the most adverse meteorological conditions recorded in the last year;

(d) A description of the geographic area considered in the evaluation;

(e) Dispersion equations;

(f) The predicted buildup of regulated air pollutants;

(g) Location, type and amount of emissions; and

(h) Meteorological information.

[Environmental Comm'n, Air Quality Reg. § 13.4.1, eff. 11-7-75; A 12-15-77; renumbered as § 13.3.1, 8-28-79; § 13.4.1.1, eff. 11-7-75; A 12-15-77; renumbered as § 13.3.1.1, 8-28-79; § 13.4.1.4, eff. 11-7-75; renumbered as § 13.3.1.2, 8-28-79]—(NAC A 10-30-95; R103-02, 12-17-2002)

NAC 445B.313 Method for determining heat input: Class I sources. (NRS 445B.210, 445B.300) For the purposes of determining the effects of Class I sources on the quality of ambient air and determining the applicability of a federally enforceable standard or requirement to an emission unit, the heat input will be determined by using the appropriate method of the American Society for Testing and Materials (ASTM) contained in 40 C.F.R. Parts 51, 52, 60 and 61.

[Environmental Comm'n, Air Quality Reg. § 13.3.4, eff. 12-15-77; renumbered as § 13.2.4, 8-28-79]—(NAC A 9-19-90; 3-29-94, eff. 1-11-96; 10-30-95; R040-01, 10-25-2001; R103-02, 12-17-2002)

NAC 445B.3135 Method for determining heat input: Class II sources. (NRS 445B.210, 445B.300) For the purposes of determining the effects of a Class II source on the quality of ambient air pursuant to NAC 445B.308, 445B.310 and 445B.311, the heat input is the aggregate heat content of all combusted fuels, or the guaranteed maximum input of the manufacturer or designer of the equipment, whichever is greater. The total heat input of all fuel-burning units in a plant or on the premises must be used to determine the maximum amount of a regulated air pollutant which may be emitted.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.314 Method for determining heat input: Class III sources. (NRS 445B.210, 445B.300) For the purposes of determining the effects of a Class III source on the quality of ambient air pursuant to NAC 445B.308, 445B.310 and 445B.311, the heat input is the aggregate heat content of all combusted fuels, or the guaranteed maximum input of the manufacturer or designer of the equipment, whichever is greater. The total heat input of all fuel-burning units in a plant or on the premises must be used to determine the maximum amount of a regulated air pollutant which may be emitted.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.315 Contents of operating permits: Exception for operating permits to construct; required conditions. (NRS 445B.210, 445B.300)

1. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to operating permits to construct.

2. The director shall cite the legal authority for each condition contained in an operating permit.

3. An operating permit must contain the following conditions:

(a) The term of the operating permit is 5 years.

(b) The holder of the operating permit shall retain records of all required monitoring data and supporting information for 5 years after the date of the sample collection, measurement, report or analysis. Supporting information includes all records regarding calibration and maintenance of the monitoring equipment and all original strip-chart recordings for continuous monitoring instrumentation.

(c) Each of the conditions and requirements of the operating permit is severable and, if any are held invalid, the remaining conditions and requirements continue in effect.

(d) The holder of the operating permit shall comply with all conditions of the operating permit. Any noncompliance constitutes a violation and is a ground for:

(1) An action for noncompliance;

(2) Revising, revoking, reopening and revising, or terminating the operating permit by the director; or

(3) Denial of an application for a renewal of the operating permit by the director.

(e) The need to halt or reduce activity to maintain compliance with the conditions of the operating permit is not a defense to noncompliance with any condition of the operating permit.

(f) The director may revise, revoke and reissue, reopen and revise, or terminate the operating permit for cause.

(g) The operating permit does not convey any property rights or any exclusive privilege.

(h) The holder of the operating permit shall provide the director, within a reasonable time, with any information that the director requests in writing to determine whether cause exists for revising, revoking and reissuing, reopening and revising, or terminating the operating permit, or to determine compliance with the conditions of the operating permit.

(i) The holder of the operating permit shall pay fees to the director in accordance with the provisions set forth in NAC 445B.327 and 445B.331.

(j) The holder of the operating permit shall allow the director or any authorized representative, upon presentation of credentials, to:

(1) Enter upon the premises of the holder of the operating permit where:

(I) The stationary source is located;

(II) Activity related to emissions is conducted; or

(III) Records are kept pursuant to the conditions of the operating permit;

(2) Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of the operating permit;

(3) Inspect, at reasonable times, any facilities, practices, operations or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to the operating permit; and

(4) Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of the operating permit or applicable requirements.

(k) A responsible official of the stationary source shall certify that, based on information and belief formed after a reasonable inquiry, the statements made in any document required to be submitted by any condition of the operating permit are true, accurate and complete.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R103-02, 12-17-2002)

NAC 445B.318 Operating permits: Separate permit required for each source; form of application; issuance or denial of permit; posting of permit.

1. A separate operating permit is required for each new or existing stationary source.

2. Application for the issuance of an operating permit or a replacement for a lost or damaged operating permit must be submitted in writing to the director on the exact form provided by him.

3. An operating permit must be granted if the director finds from a stack emission test or other appropriate test and other relevant information that use of the stationary source will not result in any violation of the air quality regulations or the provisions of 40 C.F.R. § 52.21 or 40 C.F.R. Parts 60 and 61, Prevention of Significant Deterioration, New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants adopted by reference in NAC 445B.221.

4. A denial of an application for an operating permit must be accompanied by a statement of the reasons therefor, and if the director has relied in his decision upon information not contained in the application, the statement of reasons must identify and state the substance of such information.

5. Operating permits must be posted conspicuously at or near the stationary source.

[Environmental Comm'n, Air Quality Reg. part § 3.4.1 & §§ 3.4.2, 3.4.3, 3.4.5 & 3.4.6, eff. 11-7-75; § 3.4.7, eff. 11-7-75; A 8-28-79]—(NAC A 10-22-87; 12-15-88; 9-19-90; R 12-13-93, eff. 11-15-94; A 10-30-95)

NAC 445B.319 Operating permits: Administrative amendment. (NRS 445B.210, 445B.300)

1. The holder of an operating permit may request or the director may initiate an administrative amendment of an operating permit to:

(a) Correct typographical errors;

(b) Identify a change in the name, address or telephone number of any person identified in the operating permit, or provide a similar minor administrative change at the stationary source;

(c) Require more frequent monitoring or reporting by the holder of the operating permit;

(d) Add the serial numbers of specific pieces of equipment which were not available at the time of the issuance of or revision of the operating permit; or

(e) Allow for a change in ownership or operational control of a stationary source if the director determines that no other change in the operating permit is necessary. A person who requests an administrative amendment pursuant to this paragraph must submit to the director a written agreement specifying a date for the transfer of responsibility for the operating permit and an agreement between the current and the new holder of the operating permit regarding insurance coverage and liability.

2. A holder of an operating permit must request an administrative amendment on an application provided by the director. The application must be accompanied by a fee in the amount specified in NAC 445B.327.

3. The director shall:

(a) Issue or deny an application for an administrative amendment within 30 days after receipt of the application.

(b) Send a copy of the administrative amendment to the Administrator.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 3-29-94, eff. 11-15-94; 10-30-95; R105-97, 3-5-98; R019-99, 9-27-99)

NAC 445B.325 Operating permits: Termination, reopening and revision, revision, or revocation and reissuance. (NRS 445B.210, 445B.300)

1. A Class I operating permit must be reopened and revised to incorporate any additional applicable requirement adopted pursuant to the Act if, on the effective date of the applicable requirement, the operating permit has a remaining term of 3 or more years. The reopening must be completed no later than 18 months after the effective date of the applicable requirement.

2. An operating permit may be terminated, reopened and revised, revised, or revoked and reissued if:

(a) The director or the Administrator determines that the operating permit contains a material mistake or is based on inaccurate statements;

(b) The director or the Administrator determines that the operating permit, as written, does not ensure compliance with all applicable requirements; or

(c) The director determines that there has been a violation of any of the provisions of NAC 445B.001 to 445B.3497, inclusive, any applicable requirement, or any condition contained in the operating permit.

3. The director shall notify the holder of the operating permit at least 30 days before he terminates, reopens and revises, revises, or revokes and reissues the operating permit. The notice must be made by certified mail and must contain the legal authority, the jurisdiction and the reasons for the action taken.

4. If the Administrator notifies the director and the holder of the operating permit that cause exists to reopen the operating permit, the director shall forward to the Administrator a proposed determination of the reopening and revision, the revision of, or the revocation and reissuance of the operating permit within 90 days after receipt of the notice from the Administrator.

5. If the director reopens an operating permit, he shall revise only those portions of the operating permit for which cause exists.

6. The reopening of an operating permit pursuant to this section must comply with all of the relevant requirements for the issuance or revision of a permit, including the requirements related to the content of the permit and the requirements for notice, public participation and comment, and a review by any affected states.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R105-97, 3-5-98)

NAC 445B.326 Operating permits: Assertion of emergency as affirmative defense to action for noncompliance.

1. A holder of an operating permit may assert an affirmative defense to an action brought for noncompliance with a technology-based emission limitation contained in the operating permit if the holder of the operating permit demonstrates through signed, contemporaneous operating logs or other relevant evidence, that:

(a) An emergency occurred and the holder of the operating permit can identify the cause of the emergency;

(b) The facility was being properly operated at the time of the emergency;

(c) During the emergency, the holder of the operating permit took all reasonable steps to minimize excess emissions; and

(d) The holder of the operating permit submitted notice of the emergency to the director within 2 working days after the emergency. The notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken to restore the normal operation of the facility.

2. In any action for noncompliance, the holder of an operating permit who asserts the affirmative defense of an emergency has the burden of proof.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96)—(Substituted in revision for NAC 445.7133)

NAC 445B.3265 Operating permits: Revocation and reissuance.

1. An operating permit may be revoked if the control equipment is not operating.

2. An operating permit may be revoked by the director upon determining that there has been a violation of NAC 445B.001 to 445B.3497, inclusive, or the provisions of 40 C.F.R. § 52.21, or 40 C.F.R Part 60 or 61, Prevention of Significant Deterioration, New Source Performance Standards, and National Emission Standards for Hazardous Air Pollutants, adopted by reference in NAC 445B.221.

3. The revocation is effective 10 days after the service of a written notice, unless a hearing is requested.

4. To reissue a revoked operating permit, the holder of the revoked permit must file a new application with the director, accompanied by the fee for an initial operating permit as specified in NAC 445B.327. An environmental review of the stationary source must be conducted as though construction had not yet commenced.

[Environmental Comm'n, Air Quality Reg. § 3.4.10, eff. 11-7-75; A 8-28-79; §§ 3.4.13 & 3.4.14, eff. 11-7-75]—(NAC A 12-15-88; 9-19-90; R 12-13-93, eff. 11-15-94; A 10-30-95)—(Substituted in revision for NAC 445B.333)

NAC 445B.327 Fees; late penalty. (NRS 445B.210, 445B.300)

1. Except as otherwise provided in this section, if a stationary source is not subject to the permitting requirements of 40 C.F.R. § 52.21, as incorporated by reference by NAC 445B.221, the fees for an operating permit are as follows:

(a) Class I operating permit to construct $20,000
(b) Conversion of an operating permit to construct into a Class I operating permit involving only one phase 5,000
(c) Conversion of an operating permit to construct into a Class I operating permit involving two or more phases (per phase) 5,000
(d) Modification to an operating permit to construct 5,000
(e) Revision of an operating permit to construct 5,000
(f) Class I operating permit 30,000
(g) Significant revision of a Class I operating permit 20,000
(h) Minor revision of a Class I operating permit 5,000
(i) Renewal of a Class I operating permit 5,000
(j) Class II operating permit 3,000
(k) Revision of a Class II operating permit 2,000

(l) Renewal of a Class II operating permit 2,000
(m) Class II general permit 400
(n) Class III operating permit 300
(o) Revision of a Class III operating permit 200
(p) Renewal of a Class III operating permit 250
(q) Surface area disturbance permit 400
(r) Revision of a surface area disturbance permit 200
(s) Administrative amendment of an operating permit 200
(t) Replacement of a lost or damaged operating permit to construct or an operating permit 200
(u) Request for change of location of an emission unit 100

An applicant must pay the entire fee when he submits an application to the director.

2. The fee to revise an operating permit so that the operating permit is consistent with any guidelines established by the division of environmental protection of the state department of conservation and natural resources pursuant to NAC 445B.255 is $1,000. An applicant must pay the entire fee when he submits an application to the director.

3. Except as otherwise provided in this section, if a stationary source is subject to the permitting requirements of 40 C.F.R. § 52.21, as incorporated by reference by NAC 445B.221, the owner or operator of that stationary source must obtain an operating permit. The fees for such an operating permit are as follows:

(a) Operating permit for a stationary source subject to the program for the prevention of significant deterioration of air quality $50,000
(b) Revision of an operating permit for a stationary source subject to the permitting requirements of 40 C.F.R. § 52.21 to authorize a major modification of the stationary source 50,000
(c) Class I operating permit to construct 50,000
(d) Conversion of an operating permit to construct into a Class I operating permit involving only one phase 5,000
(e) Conversion of an operating permit to construct into a Class I operating permit involving two or more phases (per phase) $5,000
(f) Revision of an operating permit to construct 5,000
(g) Revision of an operating permit for a modification that is not a major modification, as defined in 40 C.F.R. § 52.21, of a stationary source 10,000
(h) Administrative amendment of an operating permit or operating permit to construct 200
(i) Replacement of a lost or damaged operating permit to construct or an operating permit 200
(j) Request for the change of location of an emission unit 100

An applicant must pay the entire fee when he submits an application to the director.

4. If no changes need to be made to convert an operating permit to construct into a Class I operating permit, no fee will be assessed.

5. Except as otherwise provided in this subsection, the annual fee based on emissions for a stationary source is $5.60 per ton times the total tons of each regulated pollutant emitted during the preceding calendar year. The annual fee based on emissions does not apply to:

(a) Emissions of carbon monoxide; or
(b) Class III stationary sources.

6. To determine the fee set forth in subsection 5:

(a) Emissions must be calculated using:

(1) The emission unit's actual operating hours, rates of production and in-place control equipment;

(2) The types of materials processed, stored or combusted; and

(3) Data from:

(I) A test for emission compliance;

(II) A continuous emission monitor;

(III) The most recently published issue of *Compilation of Air Pollutant Emission Factors*, EPA Publication No. AP-42; or

(IV) Other emission factors or methods which the director has validated; or

(b) If paragraph (a) does not apply to a stationary source that was in operation during the preceding calendar year, emissions must be calculated using the permitted allowable emissions for that stationary source.

7. The annual fee for maintenance of a stationary source is:

(a) For a Class I source..... $12,500

(b) For a Class II source that has the potential to emit 50 tons or more per year of any one regulated air pollutant except carbon monoxide.....3,000

(c) For a Class II source that has the potential to emit 25 tons or more per year but less than 50 tons per year of any one regulated air pollutant except carbon monoxide.....1,000

(d) For a Class II source that has the potential to emit less than 25 tons per year of any one regulated air pollutant except carbon monoxide.....250

(e) For a Class III source.....250

(f) For a surface area disturbance 250

8. The state department of conservation and natural resources shall collect all fees required pursuant to subsections 5 and 7 not later than July 1 of each year.

9. Except as otherwise provided in this subsection, the owner or operator of a source who does not pay his annual fee installments within 30 days after the date on which payment becomes due will be assessed a late penalty in the amount of 25 percent of the amount of the fees due. The late fee must be paid in addition to the annual fees. The late penalty set forth in this subsection does not apply if, at the time that the late fee would otherwise be assessed, the owner or operator is in negotiations with the director concerning his annual fees.

(Added to NAC by Environmental Comm'n, eff. 12-15-88; A 9-13-91; 11-23-92; 12-13-93, eff. 7-1-94; 7-1-94; 10-30-95; 5-3-95; R105-97, 3-5-98; R019-99, 9-27-99; R040-01, 10-25-2001; R103-02, 12-17-2002)

NAC 445B.331 Request for change of location of emission unit. (NRS 445B.210, 445B.300) A request for a change of the location of an emission unit must be made in writing to the director and submitted with the fee for each operating permit as follows:

1. For a Class I source, at least 10 days in advance of each change of location.

2. For a Class II source, at least 10 days before the commencement of the operation of the emission unit at the new location. An owner or operator must not operate the emission unit at the new location until the director approves the location.

(Added to NAC by Environmental Comm'n, eff. 12-15-88; A 9-13-91; 11-23-92; 12-13-93; 12-13-93, eff. 7-1-94; 10-30-95; 5-3-96; R019-99, 9-27-99; R117-00, 6-1-2001; R103-02, 12-17-2002)

Class I Operating Permits

NAC 445B.3361 General requirements. (NRS 445B.210, 445B.300)

1. To establish a new Class I stationary source or modify an existing Class I stationary source, the owner or operator of a proposed new Class I stationary source or the existing Class I stationary source must:

(a) Apply for and obtain a new or revised operating permit to construct pursuant to NAC 445B.001 to 445B.3497, inclusive; or

(b) Apply for and obtain a new or revised Class I operating permit pursuant to NAC 445B.001 to 445B.3497, inclusive.

2. If an owner or operator obtains an operating permit to construct, the owner or operator is not required to obtain an operating permit or revised operating permit before commencing initial construction, start-up and operation of the proposed new Class I stationary source or the modification to the existing Class I stationary source.

3. If an owner or operator has a valid operating permit to construct, the owner or operator may continue to operate a new Class I stationary source or modifications to an existing Class I stationary source under that operating permit to construct if the owner or operator submits a complete application for a Class I operating permit within 12 months after the date of initial start-up of the new Class I stationary source or modifications to the existing Class I stationary source.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.3363 Operating permit to construct: Application. (NRS 445B.210, 445B.300)

1. In addition to the information required pursuant to NAC 445B.295, an application for an operating permit to construct or for a revision to an operating permit to construct must include:

(a) Descriptions of all emissions of any regulated pollutants for which the source is defined as a major source.

(b) A description of all emissions of regulated air pollutants from all emission units.

(c) An identification and a description of all points of emissions and all activities which may generate emissions of the regulated air pollutants described pursuant to paragraph (a) in sufficient detail to establish the basis for the applicability of standards and fees.

(d) The emission rates of all regulated air pollutants that are subject to an emissions limitation pursuant to an applicable requirement. The emission rates must be described in tons per year and in such terms as are necessary to establish compliance using the applicable standard reference test method.

(e) Any other information required by any applicable requirement.

(f) The calculations on which the information described in this subsection are based.

(g) Citations to and a description of all applicable requirements.

(h) A reference to any applicable test method used for determining compliance with each applicable requirement.

2. In addition to the information required pursuant to NAC 445B.295 and 445B.3368, an application for an operating permit to construct must contain:

(a) For a proposed new major source, as defined in 40 C.F.R. § 52.21, or a proposed major modification, as defined in 40 C.F.R. § 52.21, to an existing stationary source which is subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, as adopted pursuant to NAC 445B.221:

(1) All information required by 40 C.F.R. § 52.21; and

(2) Any other information that the director determines is necessary to process the application.

(b) For a proposed new major source, as defined in NAC 445B.094, or a proposed modification, as defined in NAC 445B.099, to an existing stationary source which is not subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality:

(1) All information required by NAC 445B.308 to 445B.313, inclusive;

(2) Any other information that the director determines is necessary to process the application; and

(3) For stationary sources subject to the provisions regarding new source review set forth in 42 U.S.C. §§ 7501 to 7515, inclusive, all information required by 42 U.S.C. § 7503.

3. In addition to the information required pursuant to subsections 1 and 2, an application for an operating permit to construct must include an environmental evaluation pursuant to NAC 445B.308, 445B.310 and 445B.311.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.3364 Operating permit to construct: Review of application and determination of completeness by director; notice. (NRS 445B.210, 445B.300)

1. Except for sources that are subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within 45 days after the date of receipt of an application for an operating permit to construct, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 45 days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the director determines that the application is complete or the 46th day after the date of receipt, whichever is earlier. Within 90 days after the official date of submittal, the director shall issue or deny an operating permit to construct.

2. For sources subject to the permitting requirements set forth in 40 C.F.R. § 52.21, within 30 days after the date of receipt of an application for an operating permit to construct, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 30 days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the director determines that the application is complete or the 31st day after the date of receipt, whichever is earlier. Within 180 days after the official date of submittal, the director shall issue or deny an operating permit to construct.

3. If, after the official date of submittal, the director discovers that additional information is required to act on the application, the director may request additional information necessary to determine whether the proposed operation will comply with all of the requirements set forth in NAC 445B.001 to 445B.3497, inclusive. The applicant must provide in writing any additional information that the director requests within the time specified in the request of the director. Any delay in the submittal of the requested information will result in a corresponding delay in the action of the director on the application submitted to the director.

4. The director's review and preliminary intent to issue or deny an operating permit to construct and the proposed conditions for the operating permit to construct must be made public and maintained on file with the director during normal business hours at 333 West Nye Lane, Carson City, Nevada, and in the air quality region where the source is located for 30 days to enable public and EPA participation and comment.

5. The director shall:

(a) Cause to be published a prominent advertisement in a newspaper of general circulation in the area in which the stationary source is located or in a state publication designed to give general public notice;

(b) Provide written notice to persons on a mailing list developed by the director, including those persons who request in writing to be included on the list;

(c) Provide notice by other means if necessary to ensure that adequate notice is given to the public;

(d) Provide a copy of the director's preliminary intent to issue or deny the operating permit to construct and the proposed operating permit to construct to the administrator; and

(e) Establish a 30-day period for comment from the public and the EPA.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.3365 Operating permit to construct: Required conditions. (NRS 445B.210, 445B.300)

1. The director shall cite the legal authority for each condition contained in an operating permit to construct.

2. An operating permit to construct must contain the following conditions:

(a) The expiration date of the operating permit to construct must be defined as described in NAC 445B.3366.

(b) The holder of the operating permit to construct shall retain records of all required monitoring data and supporting information for 5 years after the date of the sample collection, measurement, report or analysis. Supporting information includes all records regarding calibration and maintenance of the monitoring equipment and all original strip-chart recordings for continuous monitoring instrumentation.

(c) Each of the conditions and requirements of the operating permit to construct is severable and, if any are held invalid, the remaining conditions and requirements continue in effect.

(d) The holder of the operating permit to construct shall comply with all conditions of the operating permit to construct. Any noncompliance constitutes a violation and is a ground for:

(1) An action for noncompliance;

(2) The revoking and reissuing, or the terminating, of the operating permit to construct by the director; or

(3) The reopening or revising of the operating permit to construct by the holder of the operating permit to construct as directed by the director.

(e) The need to halt or reduce activity to maintain compliance with the conditions of the operating permit to construct is not a defense to noncompliance with any condition of the operating permit to construct.

(f) The director may revise, revoke and reissue, reopen and revise, or terminate the operating permit to construct for cause.

(g) The operating permit to construct does not convey any property rights or any exclusive privilege.

(h) The holder of the operating permit to construct shall provide the director, within a reasonable time, with any information that the director requests in writing to determine whether cause exists for revoking or terminating the operating permit to construct, or to determine compliance with the conditions of the operating permit to construct.

(i) The holder of the operating permit to construct shall allow the director or any authorized representative of the director, upon presentation of credentials, to:

(1) Enter upon the premises of the holder of the operating permit to construct where:

(I) The stationary source is located;

(II) Activity related to emissions is conducted; or

(III) Records are kept pursuant to the conditions of the operating permit to construct;

(2) Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of the operating permit to construct;

(3) Inspect, at reasonable times, any facilities, practices, operations or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to the operating permit to construct; and

(4) Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of the operating permit to construct or applicable requirements.

(j) A responsible official of the stationary source shall certify that, based on information and belief formed after a reasonable inquiry, the statements made in any document required to be submitted by any condition of the operating permit to construct are true, accurate and complete.

3. An operating permit to construct must contain:

(a) All applicable requirements, emission limits and standards;

(b) Monitoring methods adequate to show compliance;

(c) Adequate recordkeeping and reporting requirements as deemed by the director; and

(d) Any other requirements deemed necessary by the director.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.3366 Operating permit to construct: Expiration; extension. (NRS 445B.210, 445B.300)

1. If construction will occur in one phase, an operating permit to construct for a new or modified stationary source expires if construction is not commenced within 18 months after the date of issuance thereof or construction of the facility is delayed for 18 months after initiated. The director may extend the date on which the construction may be commenced upon a showing that the extension is justified.

2. If construction will occur in more than one phase, the projected date of the commencement of construction of each phase of construction must be approved by the director. An operating permit to construct expires if the initial phase of construction is not commenced within 18 months after the projected date of the commencement of construction approved by the director. The director may extend only the date on which the initial phase of construction may be commenced upon a showing that the extension is justified.

3. An operating permit to construct issued to a new stationary source or issued for a modification to an existing stationary source that is subject to the permitting requirements set forth in 40 C.F.R. § 52.21 is subject to the expiration requirements established in 40 C.F.R. § 52.21(r)(2).

4. An operating permit to construct expires if a complete application for a Class I operating permit or modification of an existing Class I operating permit is not submitted within 12 months after the date of initial start-up.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.3368 Application: Additional requirements; exception. (NRS 445B.210, 445B.300)

1. The information otherwise required by this section is not required if the owner or operator applied for an operating permit to construct and no changes have been made to the facility. The information provided in the application for the operating permit to construct must be resubmitted as part of the Class I operating permit application.

2. In addition to the information required pursuant to NAC 445B.295, an application for a Class I operating permit must include:

(a) Descriptions of all emissions of any pollutants for which the source is major and all emissions of regulated air pollutants from all emission units.

(b) An identification and a description of all points of emissions and all activities which may generate emissions of the regulated air pollutants described pursuant to paragraph (a) in sufficient detail to establish the basis for the applicability of standards and fees.

(c) The emission rates of all regulated air pollutants that are subject to an emissions limitation pursuant to an applicable requirement. The emission rates must be described in tons per year and in such terms as are necessary to establish compliance using the applicable standard reference test method.

(d) Any other information required by any applicable requirement.

(e) The calculations on which the information in this subsection and subsection 1 are based.

(f) Citations to and a description of all applicable requirements.

(g) A reference to any applicable test method used for determining compliance with each applicable requirement.

(h) A compliance plan that contains the following:

(1) A description of the compliance status of the stationary source with respect to all applicable requirements.

(2) A description that includes the following:

(I) For the applicable requirements with which the stationary source is in compliance, a statement that the stationary source will continue to comply with those requirements.

(II) For the applicable requirements that may become effective during the term of the permit, a statement that the stationary source will comply with those requirements on a timely basis.

(III) For each applicable requirement with which the stationary source will not be in compliance at the time that a permit will be issued, a narrative description of how the stationary source will achieve compliance with each such requirement.

(3) Schedules of compliance as follows:

(I) For the applicable requirements with which the stationary source is in compliance, a statement that the stationary source will continue to comply with those requirements.

(II) For the applicable requirements that may become effective during the term of the permit, a statement that the stationary source will comply with those requirements on a timely basis, unless the applicable requirement expressly requires a more detailed schedule for compliance.

(III) For each applicable requirement with which the stationary source will not be in compliance at the time that a permit will be issued, a schedule of compliance for each applicable requirement. Such a schedule must include a schedule of remedial measures, including, without limitation, an enforceable sequence of actions with milestones, leading to compliance with the applicable requirements with which the stationary source is not in compliance. If the stationary source is subject to a judicial consent decree or an administrative order regarding its noncompliance, the schedule must resemble and be at least as stringent as any schedule contained in the decree or order. Such a schedule of compliance must be supplemental to, and must not sanction noncompliance with, the applicable requirements on which it is based.

(4) A schedule for the submission of certified progress reports at least once every 6 months for a schedule of compliance to remedy a violation. Such progress reports must contain the following:

(I) Dates for performing activities or achieving milestones or compliance required in the schedule of compliance, and the dates when the activities, milestones or compliance occurred or were achieved; and

(II) An explanation as to why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measures adopted.

The content requirements of the compliance plan specified in this paragraph apply and must be included in the acid rain portion of a compliance plan for an affected source, except as specifically superseded by regulations adopted pursuant to Title IV of the Act with regard to the schedule and methods the source will use to achieve compliance with the emissions limitations relating to acid rain.

(i) Requirements for compliance certification, including:

(1) A certification of compliance with all applicable requirements by a responsible official, consistent with this section and 42 U.S.C. § 7414(a)(3);

(2) A statement of methods used for determining compliance, including a description of monitoring, recordkeeping and reporting requirements, and methods of testing;

(3) A schedule for submission of certifications of compliance during the term of the permit to be submitted not less frequently than annually, or more frequently if so specified by the underlying applicable requirement or the permitting authority; and

(4) A statement indicating the status of compliance by the stationary source with any applicable enhanced monitoring and compliance certification requirements of the Act.

3. In addition to the information required pursuant to subsections 1 and 2, a Class I-B application for a Class I operating permit must contain:

(a) For a proposed new major source or a proposed significant modification to an existing stationary source which is subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, as adopted pursuant to NAC 445B.221:

(1) All information required by 40 C.F.R. § 52.21; and

(2) Any other information that the director determines is necessary to process the application.

(b) For a proposed new major source or a proposed significant modification to an existing stationary source which is not subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality:

(1) All information required by NAC 445B.308 to 445B.313, inclusive;

(2) Any other information that the director determines is necessary to process the application; and

(3) For stationary sources subject to the provisions regarding new source review set forth in 42 U.S.C. §§ 7501 to 7515, inclusive, all information required by 42 U.S.C. § 7503.

(c) For a proposed new major source or a proposed significant modification to an existing stationary source which is subject to the requirements of 42 U.S.C. § 7412 regarding hazardous air pollutants:

(1) All information required by NAC 445B.308 to 445B.313, inclusive; and

(2) Any other information that the director determines is necessary to process the application.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.337 Class I-A application: Filing requirement. (NRS 445B.210, 445B.300)

1. An owner or operator of a stationary source must file a Class I-A application, on a form provided by the director, and obtain a Class I operating permit for:

(a) A Class I existing stationary source;

(b) A Class I existing stationary source subject to a standard, a limitation or any other requirement adopted pursuant to 42 U.S.C. § 7411 or 7412, unless the stationary source is subject only to the requirements of 42 U.S.C. § 7412(r);

(c) A Class I existing stationary source in a category of sources designated by the Administrator pursuant to 42 U.S.C. § 7661a(a);

(d) An incinerator unit for solid waste that is subject to the requirements of 42 U.S.C. § 7429(e); or

(e) An affected source.

2. If an existing stationary source becomes subject to the requirements of a Class I stationary source, the owner or operator of the existing source must submit a Class I-A application to the director within 12 months after the date on which the stationary source becomes subject to the requirements for Class I sources.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R117-00, 6-1-2001)—(Substituted in revision for NAC 445B.289)

NAC 445B.3375 Class I-B application: Filing requirement. (NRS 445B.210, 445B.300)

1. An owner or operator of a stationary source must file a Class I-B application, on a form provided by the director, and obtain a Class I operating permit before commencing the construction, reconstruction or modification of:

(a) A Class I existing stationary source;

(b) A proposed modification for which a revision of an operating permit is requested pursuant to NAC 445B.3425 or 445B.344 to a Class I stationary source;

(c) A modification to a Class II source that results in total emissions of any regulated air pollutant above the thresholds defined in NAC 445B.094 for a major source;

(d) A proposed new Class I stationary source;

(e) A proposed new Class I stationary source subject to a standard, a limitation or any other requirement adopted pursuant to 42 U.S.C. § 7411 or 7412, unless the Class I stationary source is subject only to the requirements of 42 U.S.C. § 7412(r); or

(f) A proposed new stationary source which is included in a category of sources designated by the Administrator pursuant to 42 U.S.C. § 7661a(a).

2. If a new stationary source becomes subject to the requirements of a Class I stationary source, the owner or operator of the new stationary source must submit a Class I-B application to the director within 12 months after the date on which the new stationary source becomes subject to the requirements for Class I sources.

3. An affected source that is not a major source and is not otherwise subject to the requirements of paragraph (f) of subsection 1 may apply for a Class II operating permit. If an affected source obtains a Class II operating permit pursuant to this subsection, the affected source must file with the director:

(a) A completed application for an acid rain permit before the source commences operation; and

(b) A Class I-B application within 12 months after the date on which the Class II operating permit was issued to the affected source.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R117-00, 6-1-2001)—(Substituted in revision for NAC 445B.290)

NAC 445B.338 Class I-A application: Period for filing; effect of application and previous permits. (NRS 445B.210, 445B.300)

1. An owner or operator subject to the provisions of NAC 445B.337 shall file a Class I-A application in accordance with the schedule established by the director pursuant to NAC 445B.3385.

2. All permits to construct and operating permits issued to existing sources which are in effect before the effective date of the program remain in effect until the director issues or denies the applicant's Class I operating permit as provided in NAC 445B.001 to 445B.3497, inclusive.

3. Except as otherwise provided in this subsection, if the owner or operator subject to the provisions of NAC 445B.337 submits a completed Class I-A application for an operating permit or a renewal of a permit in a timely manner, he shall not be deemed to be in violation of the requirement for an operating permit during the time the director considers the application. The owner or operator shall be deemed to violate the requirement for an operating permit if the director requests additional information in writing following a determination that the application is complete and the owner or operator fails to submit the requested information within a reasonable time as specified in the director's request.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 11-15-94; A 3-29-94, eff. 11-15-94; 10-30-95; R103-02, 12-17-2002)

NAC 445B.3385 Class I-A application: Schedule for filing. (NRS 445B.210, 445B.300)

1. Within 30 days after the approval of the program by the Administrator, the director shall:

(a) Establish a schedule for filing a Class I-A application to obtain a Class I operating permit for:

(1) An existing major source;

(2) An existing major source subject to a standard, a limitation or any other requirement adopted pursuant to 42 U.S.C. § 7411 or 7412, unless the source is subject only to the requirements of 42 U.S.C. § 7412(r);

(3) An existing major source in a category of sources designated by the Administrator pursuant to 42 U.S.C. § 7661a(a); or

(4) An incinerator unit for solid waste that is subject to the requirements of 42 U.S.C. § 7429(e).

(b) Notify the owners and operators of the sources listed in paragraph (a) regarding the schedule established by the director.

2. The schedule established by the director pursuant to subsection 1:

(a) Must require the submission of Class I-A applications within 12 months after the effective date of the program.

(b) May require the early submission of Class I-A applications by specified stationary sources if early submission is necessary for the state department of conservation and natural resources to process all Class I-A applications pursuant to NAC 445B.3395.

(c) Must be based upon the number of emission units to be addressed in the Class I operating permit for each stationary source so that the stationary sources with the least number of emission units will submit applications first and those sources with the largest number of emission units will submit applications last.

(Added to NAC by Environmental Comm'n, eff. 10-30-95; NAC A by R103-02, 12-17-2002)

NAC 445B.3395 Review of application and determination of completeness by director; notice; expiration of permit. (NRS 445B.210, 445B.300)

1. Except as otherwise provided in this subsection, within 60 calendar days after the date on which an application for a Class I operating permit or for the significant revision of a Class I operating permit is received, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine that the application is complete. Unless the director determines that the application is incomplete within 60 days after the date of receipt, the official date of submittal shall be deemed to be the date on which the director determines that the application is complete or 61 days after the date of receipt, whichever is earlier.

2. Except as otherwise provided in this subsection, within 180 calendar days after the official date of submittal of an application for a Class I operating permit or for the revision of a Class I operating permit, the director shall make a preliminary determination to issue or deny the Class I operating permit or the revision of the Class I operating permit. The director shall give preliminary notice of his intent to issue or deny the Class I operating permit or the revision of the Class I operating permit within 180 calendar days after the official date of submittal.

3. Within 10 working days after the receipt of an application for a minor revision of a Class I operating permit, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine the application to be incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 10 working days after the date on which the director receives the application, the official date of submittal is the date on which the director determines that the application is complete or 11 working days after the date of receipt, whichever is earlier.

4. The director's review and preliminary intent to issue or deny a Class I operating permit and the proposed conditions for the Class I operating permit must be made public and maintained on file with the director during normal business hours at 333 West Nye Lane, Carson City, Nevada, and in the air quality region where the source is located for 30 calendar days to enable public participation and comment and a review by any affected states.

5. The director shall:

(a) Cause to be published a prominent advertisement in a newspaper of general circulation in the area in which the Class I stationary source is located or in a state publication designed to give general public notice;

(b) Provide written notice to:

(1) Persons on a mailing list developed by the director, including those persons who request in writing to be included on the list; and

(2) Any affected state;

(c) Provide notice by other means if necessary to ensure that adequate notice is given to the public and affected states;

(d) Provide a copy of the director's review of the application, the director's preliminary intent to issue or deny the Class I operating permit and the proposed Class I operating permit to the Administrator; and

(e) Establish a 30-day period for public comment.

6. The provisions of subsections 4 and 5 do not apply to an administrative amendment to a Class I operating permit made pursuant to NAC 445B.319, a change without revision to a Class I operating permit made pursuant to NAC 445B.342 or a minor revision of a Class I operating permit made pursuant to NAC 445B.3425.

7. The notice required for a Class I operating permit pursuant to subsection 5 must identify:

(a) The affected facility and the name and address of the applicant;

(b) The name and address of the authority processing the Class I operating permit;

(c) The activity or activities involved in the Class I operating permit and the emissions change involved in any revision of the Class I operating permit;

(d) The name, address and telephone number of a person from whom interested persons may obtain additional information, including copies of the proposed conditions for the Class I operating permit, the application, all relevant supporting materials and all other materials which are available to the authority that is processing the Class I operating permit and which are relevant to the determination of the issuance of the Class I operating permit; and

(e) A brief description of the procedures for public comment and the time and place of any hearing that may be held, including a statement of the procedures to request a hearing.

8. All comments on the director's review and preliminary intent for the issuance or denial of a Class I operating permit must be submitted in writing to the director within 30 calendar days after the public announcement. The director shall give notice of any public hearing at least 30 days before the date of the hearing. The director shall keep a record of the names of any persons who made comments and of the issues raised during the process for public participation.

9. Except as otherwise provided in subsection 10 and NAC 445B.319, 445B.342 and 445B.3425, within 12 months after the official date of submittal of a Class I-B application, the director shall issue or deny the application for a Class I-B operating permit or for a revision of the Class I-B operating permit. The director shall make his decision by taking into account written comments from the public, affected states and the Administrator, and the comments made during public hearings on the director's review and preliminary intent for issuance or denial, information submitted by proponents of the project and the effect of such a facility on the maintenance of the state, and national ambient air quality standards contained in NAC 445B.22097 and the control strategy contained in the air quality plan. The director shall send a copy of the final Class I-B operating permit to the Administrator.

10. For stationary sources subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, adopted pursuant to NAC 445B.221, the director shall issue or deny an application for a Class I operating permit, or for the revision or renewal of a Class I operating permit, within 12 months after receiving a complete application.

11. The director shall not issue a Class I operating permit, or a revision or renewal of a Class I operating permit, if the Administrator objects to its issuance in writing within 45 days after the Administrator's receipt of the proposed conditions for the Class I operating permit and the necessary supporting information.

12. Any person may petition the Administrator to request that he object to a Class I operating permit as provided in 40 C.F.R. § 70.8(d).

13. If the Administrator objects to the issuance of a Class I operating permit of his own accord or in response to a public petition, the director shall submit revised proposed conditions for the Class I operating permit in response to the objection within 90 days after the date on which he is notified of the objection.

14. If construction will occur in one phase, a Class I operating permit or the revision of a Class I operating permit for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, expires if construction is not commenced within 18 months after the date of issuance thereof or construction of the facility is delayed for 18 months after initiated. The director may extend the date on which the construction may be commenced upon a showing that the extension is justified.

15. If construction will occur in more than one phase, the projected date of the commencement of construction of each phase of construction must be approved by the director. A Class I operating permit or the revision of a Class I operating permit for a new or modified stationary source, other than a stationary source subject to the provisions of 40 C.F.R. § 52.21 regarding the prevention of significant deterioration of air quality, expires if the initial phase of construction is not commenced within 18 months after the projected date of the commencement of construction approved by the director. The director may extend only the date on which the initial phase of construction may be commenced upon a showing that the extension is justified.

[Environmental Comm'n, Air Quality Reg. § 3.2.1, eff. 11-7-75; A 12-4-76; § 3.2.2, eff. 11-7-75; A 12-15-77; 8-28-79; §§ 3.2.3 & 3.2.4, eff. 11-7-75; § 3.2.5, eff. 11-7-75; A 12-4-76; § 3.2.6, eff. 11-7-75; + § 13.1.2, eff. 11-7-75; A 12-4-76; 8-28-79]—(NAC A 10-22-87; 12-15-88; 12-8-89; 9-19-90; 9-13-91; 11-23-92; 12-13-93, eff. 1-11-96; 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R022-99, 9-27-99; R040-01, 10-25-2001; R103-02, 12-17-2002)—(Substituted in revision for NAC 445B.300)

NAC 445B.340 Prerequisites to issuance, revision or renewal of permit. (NRS 445B.210, 445B.300) The director may issue a Class I operating permit, or a revision of or a renewal of a Class I operating permit, if:

1. The director has:

(a) Received a complete application for a Class I operating permit or for a revision of or a renewal of a Class I operating permit;

(b) Completed all requirements regarding public participation and comment pursuant to NAC 445B.3395; and

(c) Notified and responded to all comments from affected states;

2. The conditions of the operating permit provide for compliance with the requirements of NAC 445B.001 to 445B.3497, inclusive, and any other applicable requirements; and

3. The Administrator has received a copy of the proposed operating permit, any necessary supporting information, and any notices to the public and affected states required pursuant to NAC 445B.3395, and has not objected to the issuance of the operating permit within 45 days after receipt of the proposed operating permit.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96; R105-97, 3-5-98)—(Substituted in revision for NAC 445B.306)

NAC 445B.3405 Required contents of permit. (NRS 445B.210, 445B.300)

1. In addition to the conditions set forth in NAC 445B.315, a Class I operating permit must include all applicable requirements and:

(a) Include emission limitations and standards, including those operational requirements and limitations that ensure compliance with all applicable requirements at the time of the issuance of the operating permit.

(b) Specify the origin of and authority for each term or condition of the operating permit and explain any difference in form between a term or condition of the operating permit and the applicable requirement upon which the term or condition is based.

(c) Contain requirements for monitoring that are sufficient to ensure compliance with the conditions of the operating permit, including:

(1) All procedures or test methods for monitoring and analyzing emissions required pursuant to the applicable requirements or adopted pursuant to 42 U.S.C. § 7414(a)(3) or 7661c(b).

(2) If the applicable requirement does not require periodic testing or monitoring, periodic monitoring that is sufficient to yield reliable data from the relevant period which is representative of the stationary source's compliance with the conditions of the operating permit. Such monitoring requirements must use terms, test methods, units, averaging periods and other statistical conventions consistent with the applicable requirement.

(3) As necessary, requirements concerning the use, maintenance and the installation of equipment, or methods for monitoring.

(d) Incorporate all applicable requirements for recordkeeping and require, where applicable:

(1) Records of monitoring information required by the conditions of the permit, including the date, the location, and the time of the sampling or the measurements and the operating conditions at the time of the sampling or measurements; and

(2) The date on which the analyses were performed, the company that performed them, the analytical techniques that the company used and the results of such analyses.

(e) Incorporate all applicable reporting requirements and require:

(1) Submittal of reports of any required monitoring every 6 months, within 8 weeks after the end of the reporting period;

(2) Prompt reporting of all deviations from the requirements of the operating permit; and

(3) The probable cause of all deviations and any action taken to correct the deviations to be reported.

(f) Contain the terms and conditions for any reasonably anticipated alternative operating scenarios identified by the owner or operator of the stationary source in his application and approved by the director. Such terms and conditions must ensure that all applicable requirements are met, and must require the owner or operator to keep a contemporaneous log of changes from one alternative operating scenario to another.

(g) If the applicant for the permit requests the trading of emissions increases and decreases, contain the terms and conditions for the trading of emissions increases and decreases in the permitted facility, to the extent that the applicable requirements provide for trading increases and decreases without a case-by-case approval of each such trade. The terms and conditions:

(1) Must include all terms required by this section to determine compliance;

(2) May extend the permit shield described in subsection 2 to all terms and conditions that allow such increases and decreases in emissions; and

(3) Must meet all applicable requirements and requirements set forth in NAC 445B.001 to 445B.3497, inclusive, for a Class I source.

(h) Contain terms and conditions requested by the applicant and approved by the director, including all terms required by this section to determine compliance, which allow for the trading of emissions increases and decreases within the permitted facility without requiring a revision of the permit, solely to comply with a federally enforceable emissions cap that is established in the permit independent of any applicable requirements that would otherwise apply. Provisions relating to the trading of emissions for any emission units for which emissions are not quantifiable or for which there are not replicable procedures to enforce the emissions trades will not be allowed. Any requests for the trading of emissions must be made pursuant to NAC 445B.342. The permit must also require compliance with all applicable requirements, and contain the replicable procedures and terms of the permit which ensure that the trade of emissions is quantifiable and enforceable. The permit shield described in subsection 2 may, upon request, be extended to the terms and conditions that allow such increases and decreases in emissions.

(i) Contain a schedule of compliance for the stationary source that contains all the elements required in the schedule for compliance provided in the application pursuant to paragraph (h) of subsection 2 of NAC 445B.3368.

(j) Contain requirements for compliance certification with any applicable requirement that reflect the terms and conditions of the operating permit. The permit must contain the approved deadlines for the submittal of the compliance certification. The compliance certification must be submitted annually, or more frequently if required by an applicable requirement, to the director. A copy of the compliance certification must be submitted to the Administrator. A compliance certification must include:

(1) An identification of each term or condition of the operating permit that is the basis of the certification;

(2) The status of the stationary source's compliance with any applicable requirement;

(3) A statement of whether compliance was continuous or intermittent;

(4) The method used for determining compliance; and

(5) Any other facts the director determines to be necessary to determine compliance.

2. In addition to the conditions set forth in NAC 445B.315, a Class I operating permit may provide a permit shield within the Class I permit that must include a statement that compliance with the conditions of the operating permit shall be deemed to be compliance with any applicable requirements as of the date of the issuance of the operating permit, if:

(a) Such applicable requirements are included and are specifically identified in the operating permit; or

(b) The director, in acting on the application for or the revision of an operating permit, determines in writing that other requirements specifically identified are not applicable to the stationary source and the operating permit includes the determination or a concise summary of the determination.

A Class I permit that does not expressly state that a permit shield exists is presumed not to provide such a shield. A permit shield authorized pursuant to this subsection does not and may not apply to a minor revision to a Class I operating permit.

3. All provisions of a Class I operating permit or the modification of such a permit regarding the prevention of significant deterioration of air quality must be contained in a clearly identified and separate portion of the operating permit. This portion of the operating permit must state that:

(a) The operating permit will expire if construction is:

(1) Not commenced within 18 months after the issuance of the operating permit; or

(2) Delayed for 18 months after it is commenced;

(b) The operating permit becomes effective 30 days after the issuance of the director's final determination; and

(c) The provisions of the operating permit regarding the prevention of significant deterioration of air quality are subject to the requirements of 40 C.F.R. Part 124, Subparts A and C.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R117-00, 6-1-2001; R103-02, 12-17-2002)

NAC 445B.342 Revision of permit: Exception when making certain changes; notification of changes. (NRS 445B.210, 445B.300)

1. The owner or operator of a stationary source operating in compliance with an operating permit may make changes which contravene an express term of the operating permit without a revision of the operating permit if the changes do not:

(a) Constitute modifications pursuant to any provision of 42 U.S.C. §§ 7401 to 7515, inclusive, or constitute a modification as that term is defined in NAC 445B.099;

(b) Violate any provision of NAC 445B.001 to 445B.3497, inclusive, or any other applicable requirement; or

(c) Exceed the allowable emissions set forth in the operating permit for any emissions unit.

2. Any conditions of an operating permit that are requirements for monitoring, methods of testing, recordkeeping, reporting or compliance certification may not be changed pursuant to this section.

3. For each change made pursuant to this section, the holder of the operating permit shall provide a written notification to the director and the Administrator at least 7 days before making the change. This notification must include:

(a) A detailed description of the change;

(b) The date on which the change will occur;

(c) Any change in emissions, as determined in accordance with NAC 445B.239;

(d) Any condition of the operating permit which will no longer apply because of the change; and

(e) For a change that includes the trading of emissions made pursuant to paragraph (h) of subsection 1 of NAC 445B.3405, a detailed description of how the increase or decrease in emissions, or both, resulting from the change complies with the terms and conditions of the operating permit.

4. The holder of the operating permit, the director and the Administrator, as appropriate, shall attach a copy of the written notification to his respective copy of the permit.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R040-01, 10-25-2001)—(Substituted in revision for NAC 445B.320)

NAC 445B.3425 Minor revision of permit. (NRS 445B.210, 445B.300)

1. A minor revision may be made to a Class I operating permit if the revision:

(a) Does not violate any applicable requirement;

(b) Does not involve significant changes to the existing requirements for monitoring, reporting or recordkeeping;

(c) Does not require or change:

(1) A determination of an emission limitation or other standard on a case-by-case basis;

(2) A determination of the ambient impact for any temporary source; or

(3) A visibility or increment analysis;

(d) Does not establish or change a condition of the operating permit for which there is no corresponding underlying applicable requirement and which was requested in order to avoid an applicable requirement, including:

(1) A federally enforceable emissions cap; or

(2) An alternative emission limitation pursuant to 42 U.S.C. § 7412(i)(5);

(e) Is not a modification pursuant to any provision of 42 U.S.C. §§ 7401 to 7515, inclusive; and

(f) Does not result in an increase in allowable emissions that exceeds any of the following specified thresholds:

(1) Carbon monoxide, 100 tons per year.

(2) Nitrogen oxides, 40 tons per year.

(3) Sulfur dioxide, 40 tons per year.

(4) PM_{10}, 15 tons per year.

(5) Ozone, 40 tons per year of volatile organic compounds.

(6) Sulfuric acid mist, 7 tons per year.

(7) Hydrogen sulfide (H_2S), 10 tons per year.

2. An owner or operator must request a minor revision on an application form provided by the director. The application must include:

(a) A description of the modification;

(b) A description of the emissions resulting from the modification;

(c) An identification of any new applicable requirements that will apply because of the modification;

(d) Suggested conditions of the operating permit;

(e) Certification by a responsible official of the stationary source that the proposed modification complies with the criteria for a minor revision set forth in subsection 1; and

(f) Any relevant information concerning the proposed change which is required by NAC 445B.295 and 445B.3368.

3. The director shall:

(a) Determine, in accordance with subsection 3 of NAC 445B.3395, whether the application for a minor revision is complete.

(b) Transmit the application to the Administrator within 5 working days after the official date of submittal of the application.

(c) Provide notice to any affected state within 5 working days after the official date of submittal of the application for a minor revision.

(d) Provide a 30-day period for comment by any affected state concerning the application.

(e) Within 45 days after the official date of submittal of the application:

(1) Determine whether the proposed minor revision meets the criteria for a minor revision set forth in this section;

(2) Determine whether the proposed conditions of the operating permit are adequate; and

(3) If the director determines that the proposed modification does not meet the criteria for a minor revision, deny the proposed revision and notify the applicant and the Administrator.

(f) If the director determines that the applicant's proposed conditions of the operating permit are not adequate, draft appropriate conditions for the operating permit. Proposed conditions drafted by the director must be submitted to the Administrator for review.

(g) Notify the Administrator of any recommendations from an affected state which the director does not accept.

4. The director may issue the minor revision upon notification by the Administrator that the Administrator does not object to the minor revision. If the Administrator does not notify the director within 45 days after the date on which the Administrator received the notification pursuant to this section or within 45 days after the date on which the Administrator receives the director's proposed conditions, whichever is later, the Administrator shall be deemed to have not objected to the minor revision.

5. If the Administrator objects to the minor revision, the director shall:

(a) Deny the application for the minor revision;

(b) Determine whether the minor revision should be reviewed under the procedures for a significant revision; or

(c) Revise the proposed revision of the operating permit and forward it to the Administrator for review.

6. The director shall take action pursuant to subsection 4 or 5 within 90 days after the official date of submittal of an application for a minor revision or within 15 days after the Administrator's 45-day review period ends, whichever is later.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; 5-3-96; R105-97, 3-5-98; R036-98, 4-17-98; R103-02, 12-17-2002)

NAC 445B.344 Significant revision of permit. (NRS 445B.210, 445B.300)

1. The holder of an operating permit may request a significant revision of a Class I operating permit if it does not qualify as a change that may be made pursuant to NAC 445B.342, or as an administrative amendment or a minor revision. A significant revision includes, but is not limited to, a revision:

(a) Of an existing condition of the operating permit relating to monitoring or making the requirements for reporting or recordkeeping less stringent;

(b) Which requires or changes:

(1) A determination of an emission limitation on a case-by-case basis;

(2) A determination of ambient impact for any temporary source; or

(3) A visibility or increment analysis;

(c) Which would establish or change a condition of the operating permit and which is requested or assumed by the owner or operator of the stationary source in order to avoid any applicable requirement;

(d) Subject to 40 C.F.R. § 52.21 or 40 C.F.R. Part 60, as adopted pursuant to NAC 445B.221; or

(e) Subject to 42 U.S.C. § 7412.

2. An application for a significant revision must comply with the requirements for an application for a Class I operating permit set forth in NAC 445B.295, 445B.297 and 445B.3368, including public participation and comment and a review by any affected states and the Administrator pursuant to NAC 445B.3395.

3. An application for a significant revision must be accompanied by the fee set forth in NAC 445B.327.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R105-97, 3-5-98; R103-02, 12-17-2002)

NAC 445B.3443 Renewal of permit. (NRS 445B.210, 445B.300)

1. All Class I operating permits must be renewed 5 years after the date of issuance.

2. A complete application for renewal of a Class I operating permit must be submitted to the director on the form provided by the director with the appropriate fee at least 180 calendar days, but no earlier than 18 months, before the expiration date of the current Class I operating permit for stationary sources.

3. Applications for the renewal of a Class I operating permit must comply with all requirements for the issuance of an initial Class I operating permit as specified in NAC 445B.3395.

4. If an application for the renewal of a Class I operating permit is submitted in accordance with subsection 2, the stationary source may continue to operate under the conditions of the existing Class I operating permit until the Class I operating permit is renewed or the application for renewal is denied. If an application is not submitted in accordance with subsection 2, the stationary source may be required to cease operation when the Class I operating permit expires, and may not recommence the operation until the Class I operating permit is renewed.

5. The fee for the renewal of a Class I operating permit is as specified in NAC 445B.327.

[Environmental Comm'n, Air Quality Reg. part § 3.4.1 & §§ 3.4.4 & 3.4.8, eff. 11-7-75]—(NAC A 12-15-88; 12-13-93, eff. 1-11-96; 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R040-01, 10-25-2001; R103-02, 12-17-2002)—(Substituted in revision for NAC 445B.323)

NAC 445B.3447 Class I general permit. (NRS 445B.210, 445B.300)

1. The director may issue a Class I general permit covering numerous similar stationary sources.

2. A Class I general permit must set forth the criteria by which stationary sources may qualify for the Class I general permit.

3. A Class I general permit which covers stationary sources that would otherwise be required to be covered by a Class I operating permit must:

(a) Ensure compliance with all applicable requirements; and

(b) Not be granted until the requirements for public participation and comment and a review by any affected states and the Administrator pursuant to NAC 445B.3395 have been completed.

4. If the Administrator does not object within 45 days after receiving a proposed Class I general permit which covers stationary sources that would otherwise be required to apply for a Class I operating permit, the general permit becomes effective at the end of the 45-day period. If the Administrator objects to the Class I general permit, the Class I general permit becomes effective when the objection is resolved.

5. After the effective date of a Class I general permit, the owner or operator of any stationary source that meets the criteria set forth in the Class I general permit may request authority to operate under the Class I general permit. The request must be in writing and must include all the information required by the Class I general permit.

6. The director shall grant or deny authority to operate under a Class I general permit within 30 days after his receipt of a request for such authority. The director's decision to grant or deny an application for authority to operate under the terms of a Class I general permit is not subject to the requirements of NAC 445B.3395.

7. A person may challenge the provisions of a Class I general permit only at the time the Class I general permit is issued. The director's grant or denial of authority to operate under a Class I general permit to a stationary source or stationary sources does not provide an opportunity for an administrative review or a judicial review of the Class I general permit.

8. The director shall not grant authority to operate under a Class I general permit to an affected source.

9. The term of a Class I general permit is 5 years.

10. The authority to operate under a Class I general permit expires after 5 years. An owner or operator of a stationary source operating under the authority of a Class I general permit shall apply to renew his authority to operate under the Class I general permit at least 30 days before his authorization expires.

11. A stationary source which obtains authorization to operate under a Class I general permit but is later determined not to qualify under the conditions of the Class I general permit may be subject to an action enforcing the prohibition against operating without a permit.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 3-29-94, eff. 1-11-96; 10-30-95, eff. 1-11-96; R103-02, 12-17-2002)—(Substituted in revision for NAC 445B.335)

Class II Operating Permits

NAC 445B.3453 Application: General requirements. (NRS 445B.210, 445B.300)

1. An owner or operator of any stationary source that is not subject to the requirements of NAC 445B.337 or 445B.3375 must submit an application for and obtain a Class II operating permit or, if applicable, a Class III operating permit pursuant to NAC 445B.3485.

2. For a proposed stationary source or a proposed modification to a stationary source that is not subject to the requirements of NAC 445B.337 or 445B.3375, an owner or operator must file an application and obtain a Class II operating permit or a revision to an existing Class II operating permit or, if applicable, a Class III operating permit or a revision to an existing Class III operating permit pursuant to NAC 445B.3485, before commencing construction of the proposed stationary source or the proposed modification.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.3457 Application: Determination of completeness by director. (NRS 445B.210, 445B.300)

1. Except as otherwise provided in NAC 445B.319 and 445B.342, within 10 working days after the date of receipt of an application for a Class II operating permit or for the revision of a Class II operating permit, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 10 working days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the director determines that the application is complete or 11 working days after the date of receipt, whichever is earlier. The director shall issue or deny a Class II operating permit or the

revision of a Class II operating permit within 60 days after the official submittal of the application for the Class II operating permit or revision of a Class II operating permit.

2. If, after the official date of submittal, the director discovers that additional information is required to act on the application, the director may request additional information necessary to determine whether the proposed operation will comply with all of the requirements set forth in NAC 445B.001 to 445B.3497, inclusive. The applicant must provide in writing any additional information that the director requests within the time specified in the request of the director. Any delay in the submittal of the requested information will result in a corresponding delay in the action of the director on the application submitted to the director.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.346 Required contents of permit. (NRS 445B.210, 445B.300) In addition to the conditions set forth in NAC 445B.315, Class II operating permits must contain, as applicable:

1. Emission limitations and standards, including those operational requirements and limitations that ensure compliance with the conditions of the operating permit.

2. All requirements for monitoring, testing and reporting that apply to the stationary source.

3. A requirement that the owner or operator of the stationary source promptly report any deviations from any requirements of the operating permit.

4. The terms and conditions for any reasonably anticipated alternative operating scenarios identified by the owner or operator of the stationary source in his application and approved by the director. Such terms and conditions must require the owner or operator to keep a contemporaneous log of changes from one alternative operating scenario to another.

5. A schedule of compliance for stationary sources that are not in compliance with any applicable requirement or NAC 445B.001 to 445B.3497, inclusive, at the time the operating permit is issued, including:

(a) Semiannual progress reports and a schedule of dates for achieving milestones;

(b) Prior notice of and explanations for missed deadlines; and

(c) Any preventive or corrective measures taken.

6. Requirements for compliance certification which reflect the terms and conditions of the operating permit. A compliance certification must include:

(a) An identification of each term or condition of the operating permit that is the basis of the certification;

(b) The status of the stationary source's compliance with any applicable requirement;

(c) A statement of whether compliance was continuous or intermittent;

(d) The method used for determining compliance; and

(e) Any other facts that the director deems necessary to determine compliance.

(Added to NAC by Environmental Comm'n, 12-13-93, eff. 1-11-96; A 10-30-95, eff. 1-11-96)—(Substituted in revision for NAC 445B.317)

NAC 445B.3465 Application for revision. (NRS 445B.210, 445B.300)

1. The owner or operator of a stationary source with a Class II operating permit may request, on an application form provided by the director, a revision of the operating permit to allow for a modification to the stationary source.

2. An application for a revision of a Class II operating permit must include:

(a) The name and address of the owner or operator of the stationary source;

(b) The location of the stationary source;

(c) A description of:

(1) The existing emission units undergoing the modification and the applicable control systems; and

(2) The proposed modification to such emission units;

(d) The allowable emission rates from the existing emission units of each regulated air pollutant to which a standard applies, as determined in accordance with NAC 445B.239, which exist at the time of the application before the modification and which would exist after the modification takes place;

(e) A description of any proposed new emission units and applicable control systems;

(f) The potential to emit of the proposed new emission units for each regulated air pollutant to which a standard applies;

(g) A description of the procedures and methods used to determine the emission rates;

(h) A discussion of all applicable requirements to which the new or modified operations will be subject;

(i) An explanation of any proposed exemption from any applicable requirement;

(j) An environmental evaluation conducted in accordance with NAC 445B.308, 445B.310, 445B.311 and 445B.3135; and

(k) Any other information that the director determines is necessary to process the application and issue a Class II operating permit pursuant to this section and NAC 445B.001 to 445B.3497, inclusive.

(Added to NAC by Environmental Comm'n by R105-97, eff. 3-5-98; NAC A by R103-02, 12-17-2002)

NAC 445B.3473 Renewal of permit. (NRS 445B.210, 445B.300)

1. All Class II operating permits must be renewed 5 years after the date of issuance.

2. A complete application for renewal of a Class II operating permit must be submitted to the director on the form provided by the director with the appropriate fee at least 30 days before the expiration date of the current Class II operating permit.

3. An application for the renewal of a Class II operating permit must comply with all requirements for the issuance of an initial Class II operating permit as specified in NAC 445B.3457.

4. If an application for the renewal of a Class II operating permit is submitted in accordance with subsection 2, the stationary source may continue to operate under the conditions of the existing Class II operating permit until the permit is renewed or the application for renewal is denied. If such an application is not submitted in accordance with subsection 2, the stationary source may be required to cease operation when the Class II operating permit expires, and may not recommence the operation until the Class II operating permit is renewed.

5. The fee for the renewal of a Class II operating permit is as specified in NAC 445B.327.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.3477 Class II general permit. (NRS 445B.210, 445B.300)

1. The director may issue a Class II general permit covering numerous similar stationary sources.

2. A Class II general permit must set forth the criteria by which stationary sources may qualify for the Class II general permit.

3. After the effective date of a Class II general permit, the owner or operator of any stationary source that meets the criteria set forth in the Class II general permit may request authority to operate under the Class II general permit. The request must be in writing and must include all the information required by the Class II general permit.

4. The director shall grant or deny authority to operate under a Class II general permit within 30 days after his receipt of a request for such authority. The director's decision to grant or deny an application for authority to operate under the terms of a Class II general permit is not subject to the requirements of NAC 445B.3457.

5. A person may challenge the provisions of a Class II general permit only at the time the Class II general permit is issued. The director's grant or denial of authority to operate under a Class II general permit to a stationary source or stationary sources does not provide an opportunity for an administrative review or a judicial review of the Class II general permit.

6. The director shall not grant authority to operate under a Class II general permit to an affected source.

7. The term of a Class II general permit is 5 years.

8. The authority to operate under a Class II general permit expires after 5 years. An owner or operator of a stationary source operating under the authority of a Class II general permit shall apply to renew his authority to operate under the Class II general permit at least 30 days before his authorization expires.

9. A stationary source which obtains authorization to operate under a Class II general permit but is later determined not to qualify under the conditions of the Class II general permit may be subject to an action enforcing the prohibition against operating without a permit.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

Class III Operating Permits

NAC 445B.3485 Application: General requirements. (NRS 445B.210, 445B.300)

1. If a stationary source operating under a Class II operating permit is a Class III source, as defined in NAC 445B.038, the owner or operator of the stationary source may submit an application with the appropriate fee and obtain a Class III operating permit for the stationary source.

2. If a new stationary source is a Class III source, as defined in NAC 445B.038, the owner or operator of the new stationary source may submit an application with the appropriate fee and obtain a Class III operating permit for the new stationary source. An operating permit must be obtained before commencing construction on a new stationary source.

3. An owner or operator of a proposed modification to a stationary source that meets the requirements for a Class III source, as that term is defined in NAC 445B.038, may submit an application for and obtain a Class III operating permit for the stationary source, proposed stationary source or proposed modification to a stationary source. Such an owner or operator shall not commence construction of the proposed modification to the stationary source before filing an application for and obtaining a Class III operating permit.

(Added to NAC by Environmental Comm'n by R040-01, eff. 10-25-2001; NAC A by R103-02, 12-17-2002)

NAC 445B.3487 Application: Determination of completeness by director. (NRS 445B.210, 445B.300)

1. Except as otherwise provided in NAC 445B.319 and 445B.342, within 10 working days after the date of receipt of an application for a Class III operating permit or for the revision of a Class III operating permit, the director shall determine if the application is complete. If substantial additional information is required, the director shall determine that the application is incomplete and return the application to the applicant. If substantial additional information is not required, the director shall determine the application to be complete. Unless the director determines that the application is incomplete within 10 working days after the date of receipt of the application, the official date of submittal of the application shall be deemed to be the date on which the director determines that the application is complete or 11 working days after the date of receipt, whichever is earlier. The director shall issue or deny a Class III operating permit or the

revision of a Class III operating permit within 30 days after the submittal of the application.

2. If, after the official date of submittal, the director discovers that additional information is required to act on the application, the director may request additional information necessary to determine whether the proposed operation will comply with all of the requirements set forth in NAC 445B.001 to 445B.3497, inclusive. The applicant must provide in writing any additional information that the director requests within the time specified in the request of the director. Any delay in the submittal of the requested information will result in a corresponding delay in the action of the director on the application submitted to the director.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.3489 Required contents of permit. (NRS 445B.210, 445B.300) In addition to the conditions set forth in NAC 445B.315, Class III operating permits must contain, as applicable:

1. Emission limitations and standards, including those operational requirements and limitations that ensure compliance with the conditions of the Class III operating permit.

2. All requirements for monitoring, testing and reporting that apply to the stationary source.

3. A requirement that the owner or operator of the stationary source promptly report any deviations from any requirements of the Class III operating permit.

4. The terms and conditions for any reasonably anticipated alternative operating scenarios identified by the owner or operator of the stationary source in his application and approved by the director. Such terms and conditions must require the owner or operator to keep a contemporaneous log of changes from one alternative operating scenario to another.

5. A schedule of compliance for stationary sources that are not in compliance with any applicable requirement or NAC 445B.001 to 445B.3497, inclusive, at the time the Class III operating permit is issued, including:

(a) Semiannual progress reports and a schedule of dates for achieving milestones;

(b) Prior notice of and explanations for missed deadlines; and

(c) Any preventive or corrective measures taken.

6. Requirements for compliance certification which reflect the terms and conditions of the Class III operating permit. A compliance certification must include:

(a) An identification of each term or condition of the Class III operating permit that is the basis of the certification;

(b) The status of the stationary source's compliance with any applicable requirement;

(c) A statement of whether compliance was continuous or intermittent;

(d) The method used for determining compliance; and

(e) Any other facts that the director deems necessary to determine compliance.

(Added to NAC by Environmental Comm'n by R103-02, eff. 12-17-2002)

NAC 445B.3493 Application for revision. (NRS 445B.210, 445B.300)

1. The owner or operator of a stationary source with a Class III operating permit may apply, on a form provided by the director, for a revision of the operating permit.

2. An application for a revision of a Class III operating permit for a stationary source must include:

(a) The name and address of the owner or operator of the stationary source;

(b) The location of the stationary source;

(c) A description of:

(1) The existing emission units undergoing modification and the applicable control systems; and

(2) The proposed modifications to those emission units;

(d) A description of any proposed new emission units and applicable control systems;

(e) The potential to emit for each proposed new and existing emission unit for each regulated air pollutant to which a standard applies; and

(f) Any other information that the director determines is necessary to process the application and issue a revised Class III operating permit in accordance with NAC 445B.001 to 445B.3497, inclusive.

(Added to NAC by Environmental Comm'n by R040-01, eff. 10-25-2001)—(Substituted in revision for NAC 445B.348)

NAC 445B.3497 Renewal of permit. (NRS 445B.210, 445B.300)

1. All Class III operating permits must be renewed 5 years after the date of issuance.

2. A complete application for renewal of a Class III operating permit must be submitted to the director on the form provided by the director with the appropriate fee at least 30 days before the expiration date of the current permit for the Class III source.

3. An application for the renewal of a Class III operating permit must comply with all requirements for the issuance of an initial Class III operating permit as specified in NAC 445B.3487.

4. If an application for the renewal of a Class III operating permit is submitted in accordance with subsection 2, the stationary source may continue to operate under the conditions of the existing Class III operating permit until the permit is renewed or the application for the renewal of the Class III operating permit is denied. If an application is not submitted in accordance with subsection 2, the stationary source may be required to cease operation when the Class III operating permit expires, and may not recommence the operation until the Class III operating permit is renewed.

5. The fee for the renewal of a Class III operating permit is as specified in NAC 445B.327.

(Added to NAC by Environmental Comm'n by R103-02, eff.2-17-2002)

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